THE

Statutes at Large,

FROM

MAGNA CHARTA

To the END of the

Eleventh Parliament of GREAT BRITAIN

Anno 1771.

CONTINUED.

By DANBY PICKERING, of Gray's-Inn, Esq;
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M, DCC, LXXI.

A
TABLE
OF THE
TATUTES
UBLICK and PRIVATE,

Paſſed *Anno undecimo*

GEORGII III. *Regis.*

the Fourth Seſſion of the Thirteenth Parliament of *Great Britain*.

PUBLICK ACTS.

TO continue the prohibition of the exportation of corn, grain, meal, flour, bread, biſcuit, and ſtarch; o of the extraction of low wines and ſpirits from wheat eat flour, for a further time; and alſo to prohibit the ex- on of malt for a limited time.

2. For continuing and granting to his Majeſty certain upon malt, mum, cyder, and perry, for the ſervice of the e thouſand ſeven hundred and ſeventy-one.

3. For the better ſupply of mariners and ſeamen to ſerve Majeſty's ſhips of war, and on board merchant ſhips, and rading ſhips and veſſels.

4. To amend ſo much of an act, made in the ninth year reſent Majeſty's reign, intituled, *An act to amend, and ren- e effectual, an act made in the twenty-firſt year of the reign* James *the Firſt, intituled,* An act for the general quiet of ects, againſt all pretences of concealment whatſoever, as o the proſecuting his Majeſty's right, title, or claim, to uages, lands, tenements, or hereditaments, within the diſtrict, or liberty of the *Savoy*, in the county of *Mid-* r to any the appurtenances to the ſame therein men-

5. For granting an aid to his Majeſty by a land tax, to in *Great Britain*, for the ſervice of the year one thou- n hundred and ſeventy-one.

A TABLE of the STATUTES.

Cap. 6. For punishing mutiny and desertion; and for the ter payment of the army and their quarters.

Cap. 7. For the regulation of his Majesty's marine fo while on shore.

Cap. 8. To continue for a further time an act made i eighth year of his present Majesty's reign, intituled, *An act t tinue and amend an act made in the fifth year of the reign of hi sent Majesty, intituled*, An act for importation of salted beef, bacon, and butter, from *Ireland*, for a limited time; and fo lowing the importation of salted beef, pork, bacon, and bu from the *British* dominions in *America*, for a limited time.

Cap. 9. For the better paving, repairing, cleansing, ligh and watching the streets and other publick passages withi city of *Winchester*; and also within the several parishes of *Bartholomew Hide*, *Saint John's in the Soke*, *Saint Peter's Chee Saint Swithin* and *Saint Michael in the West Soke*, in the su of the said city; and for preventing nuisances and annoy therein; and for widening and rendering the same more modious.

Cap. 10. For carrying into execution an agreement mad tween *Peter Burrel* esquire, surveyor-general of his Ma lands, and the trustees of *Morden College*, in the county of for enabling his Majesty, his heirs and successors, to leases of *Maidenstone Hill*, in the parish of *East Greenwich*, county of *Kent*, to the said trustees, upon the terms men in the said agreement; and for impowering the said trust increase the salaries and pensions of the treasurer, chaplai poor merchants, in the said college.

Cap. 11. For further continuing two acts made in the six ninth years of his Majesty's reign, for punishing mutiny a sertion, and for the better payment of the army and their ters, in his Majesty's dominions in *America*.

Cap. 12. For better paving the streets, squares, lanes, c alleys, ways, and other publick passages, in that part of *man's Fields*, which lies in the parish of *Saint Mary Matfel* therwise *Whitechapel*, in the county of *Middlesex*, and al *Lion Street* and *White Lion* street, lying contiguous to t fields, and for removing and preventing nuisances, anno and obstructions therein.

Cap. 13. To explain a clause in an act of the last ses parliament, for better supplying the city of *Worcester*, a liberties thereof, with water; and for better paving an ing the said city; and for removing and preventing all o tions and annoyances therein.

Cap. 14. For the better regulating the poor within t of *Oxford*.

Cap. 15. For the better paving that part of the *High* in the parish of *Saint Mary Matfellon*, otherwise *Whi* which lies in the county of *Middlesex*, and for removi structions and annoyances therein.

Cap.

A TABLE of the STATUTES.

p. 16. To enable his Majeſty to licence a playhouſe in the of *Liverpoole*, in the county palatine of *Lancaſter*.

p. 17. To explain and amend ſo much of an act of the ſixth of his preſent Majeſty, for paving the town and borough of *wark*, in the county of *Surrey*, as relates to the commiſſion- ſewers; and for regulating the manner of taxing churches, ther publick buildings, within the limits of the ſaid act.

p. 18. To indemnify perſons who have omitted to qualify ſelves for offices and employments, and to indemnify juſtices peace and others who have omitted to regiſter their qualifi- as within the time limited by law; and for giving further for thoſe purpoſes.

p. 19. For amending certain of the mile-ways leading to *Ox-* for making a commodious entrance through the pariſh of *Clement*; for rebuilding or repairing *Magdalen Bridge*; for commodious roads from the ſaid bridge through the rſity and city, and the avenues leading thereto; for cleanſ- nd lighting the ſtreets, lanes, and places, within the ſaid rſity and city, and the ſuburbs thereof, and the ſaid pariſh *int Clement*; for removing nuiſances and annoyances there- , and preventing the like for the future; for impowering ges and corporations to alienate their eſtates there; for re- ng, holding, and regulating markets within the ſaid city; or other purpoſes.

p. 20. To enable lunaticks intitled to renew leaſes, their lians and committees, to accept of ſurrenders of old leaſes, grant new ones.

p. 21. For paving *Wapping Street*, in the county of *Middle-* and the ſeveral ſtreets and paſſages leading into the ſame; for removing all encroachments and obſtructions therefrom, preventing the like for the future; and for opening a paſſage *Hermitage Street* into *Nightingale Lane*; and for paving ſuch ge, and the eaſt ſide of *Nightingale Lane*.

p. 22. To amend and render more effectual ſeveral acts relating to paving, cleanſing, and lighting the ſquares, s, lanes, and other places, within the city and liberty of *minſter*, and parts adjacent.

p. 23. For paving and regulating *Roſemary Lane*, from the of *Saint Botolph*, *Aldgate*, to *Cable Street*; alſo the ſaid *Street*, the foot-path in *Back Lane*, part of the precinct of *Cloſe*, the ſtreet leading from *Nightingale Lane* to *Ratcliffe* *Butcher Row*, and *Brook Street*, and the ſeveral ſtreets, and paſſages opening into the ſame; and for removing ſtructions and annoyances therefrom, and preventing the or the future.

p. 24. For licenſing an additional number of hackney coaches, pplying the monies ariſing thereby.

p. 25. For raiſing a certain ſum of money, by loans or ex- er bills, for the ſervice of the year one thouſand ſeven hun- nd ſeventy-one.

p. 26. For further continuing the tolls upon *London Bridge*, for

for the purpoſes therein mentioned; and for impowering mayor, aldermen, and commons of the city of *London*, in mon council aſſembled, in certain caſes, to grant licences tc ſons poſſeſſed of terms for years, of and in houſes deſcrib an act of the ſeventh year of his preſent Majeſty, to build and incloſe part of the ground and ſoil of the ſtreets in the of their ſaid houſes.

Cap. 27. For regulating and improving the fiſheries ir river *Tweed*, and the rivers and ſtreams running into the ſ and alſo within the mouth or entrance of the ſaid river.

Cap. 28. For puniſhing offences committed by hackney men and chairmen, within certain diſtricts and places mentioned; and for renewing the regiſtry of carts and ca

Cap. 29. For conſolidating, extending, and rendering effectual the powers granted by ſeveral acts of parliame making, enlarging, amending, and cleanſing the vaults, and ſewers, within the city of *London*, and liberties there for paving, cleanſing, and lighting the ſtreets, lanes, ſq yards, courts, alleys, paſſages, and places; and preventing removing obſtructions and annoyances within the ſame.

Cap. 30. For cleanſing and lighting the ſtreets of the tov *South Leith*, the territory of *Saint Anthony's*, and *Yard L* thereunto adjoining, and for ſupplying the ſeveral parts th with freſh water.

Cap. 31. For the encouragement of the white herring fi

Cap. 32. For defraying the charge of the pay and cloat of the militia in that part of *Great Britain* called *England* one year, beginning the twenty-fifth day of *March*, one t ſand ſeven hundred and ſeventy-one; for indemnifying the holders of the *Iſle of Wight* from the payment of the monie by virtue of an act of the ninth year of his preſent Majeſty; for other purpoſes therein mentioned.

Cap. 33. For paving, repairing, cleanſing, lighting, watching the ſtreets, ſquares, lanes, and other paſſages, in the pariſh of *Saint John, Clerkenwell*, in the county of *Mi ſex*, and for removing obſtructions and annoyances thereir

Cap. 34. For enabling certain perſons to incloſe and em part of the river *Thames*, adjoining to *Durham Yard*, *Saliſbury S Cecil Street*, and *Beauford Buildings*, in the county of *Middl*

Cap. 35. For reducing into one act of parliament the ſe laws relating to the keeping and carriage of gunpowder, an more effectually preventing miſchiefs by keeping or car gunpowder in too great quantities.

Cap. 36. For cleanſing, lighting, and watching the ſ ſtreets, and other paſſages, on the ſouth ſide of the city of *burgh*, and for removing nuiſances and annoyances there and preventing the ſame for the future.

Cap. 37. To prohibit the exportation of live cattle, and fleſh proviſions, from *Great Britain* for a limited time.

Cap. 38. For the better ſupport and eſtabliſhment o *Greenland* and whale fiſhery.

Cap. 39

39. To amend an act made in the laſt ſeſſion of parlia- intituled, *An act for extending like liberty in the exportation from* Eaſt *and* Weſt Florida *to the ſouthward of* Cape Fi- e *in* Europe, *as is granted by former acts of parliament to* Ca- *and* Georgia.

. 40. For the more effectually preventing the counterfeit- e copper coin of this realm.

. 41. To explain an act made in the eighth year of the f his late Majeſty King *George* the Firſt, intituled, *An act further encouragement for the importation of naval ſtores, and r purpoſes therein mentioned*, ſo far as relates to the impor- of unmanufactured wood of the growth and product of ; and to explain ſo much of an act made in the twenty- ear of the reign of his late Majeſty King *George* the Se- ntituled, *An act for enlarging and regulating the trade into ant ſeas*, as relates to the importation of raw ſilk and mo- n landed at certain places therein mentioned.

. 42. To explain and amend an act made in the laſt ſeſſion lament, intituled, *An act to regulate the trials of controvert- ions, or returns of members to ſerve in parliament*.

. 43. For eſtabliſhing a houſe or houſes of induſtry in the *Wight*, for the reception, maintenance, and employment poor belonging to the ſeveral pariſhes, and places, within iſland.

44. For the better paving, repairing, and cleanſing the lanes, alleys, and other publick paſſages, within that the town of *Wakefield*, in the county of *York*, which lies the eaſt end of *Weſtgate Bridge*, the ſouth ſide of *North-* , the north end of *Kirkgate Bridge*, (except ſo much as is repaired by the weſt riding of the ſaid county of nd the extreme part of the townſhip of *Wakefield* afore- ding from *Wrengate* towards *Eaſt Moor*; for preventing s and annoyances therein, and for widening and render- ſame more commodious.

5. For improving and completing the navigation of the *ames* and *Iſis*, from the city of *London*, to the town of in the county of *Wilts*.

6. For paving, and keeping in repair, the ſtreets, lanes, ges, in the pariſh of *Saint Luke*, in the county of *Mid-* r removing obſtructions and annoyances therein; and ing the paſſages at the weſt end of *Chiſwell-ſtreet*, and th end of *Bricklane*, in the ſaid pariſh; and for other herein mentioned.

7. For granting to his Majeſty a certain ſum of money, d by lottery.

8. For granting to his Majeſty a certain ſum of money ſinking fund; and for applying certain monies there- ned, for the ſervice of the year one thouſand ſeven hun- eventy-one; and for further appropriating the ſupplies this ſeſſion of parliament, for carrying to the aggre- a ſum of money which hath ariſen by the two-ſevenths

 exciſe,

excise, and for enabling the commissioners for executing the office of treasurer of his Majesty's exchequer, or the lord high treasurer for the time being, to pay to *John Dobson*, owner of the *Greenland* ship *Lord Molineux*, the bounty due for the said ship on the last year's fishery.

Cap. 49. To continue for a further time, an act passed in the sixth year of his present Majesty's reign, intituled, *An act to prohibit the importation of foreign-wrought silks and velvets for a limited time; and for preventing unlawful combinations of workmen employed in the silk manufacture.*

Cap. 50. For granting a bounty upon the importation of white oak staves, and heading, from the *British* colonies or plantations in *America*.

Cap. 51. For continuing several laws for the better regulation of lastage and balastage in the river *Thames*; for the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise, and for the landing of rum or spirits of the *British* sugar plantations, before payment of the duties of excise; for repealing so much of an act passed in the sixth year of the reign of King *George* the First, intituled, *An act for preventing the carriage of excessive loads of meal, malt, bricks, and coals, within ten miles of the cities of* London *and* Westminster, as relates to the carriage of meal, malt, and coals; and for authorising the exportation of a limited quantity of an inferior sort of barley, called *Bigg*, from the port of *Kirkwall*, in the islands of *Orkney*.

Cap. 52. For repairing, amending, and supporting the several harbours and sea ports in the *Isle of Man*.

Cap. 53. For widening the highways in that part of *Great Britain* called *Scotland*.

Cap. 54. For the better paving, cleansing, lighting, and watching *Haydon Square*, *the New Square*, *Haydon yard*, *Church Street*, *Little Church Street*, otherwise the *Church Passage*, *Church Court*, and *Kenton Street*, and the passages therein, or leading thereunto, in the parish of *Trinity*, otherwise *Holy Trinity*, in the *Minories*, in the county of *Middlesex*, within the liberty of his Majesty's *Tower* of *London*; and for other purposes herein mentioned.

Cap. 55. To incapacitate *John Burnett*, *Charles Hannington*, *Thomas Haselgrove*, *Ralph Moor*, *Thomas Parsons*, *Thomas Snook* junior, *Thomas Hannington*, *John Hannington*, *John Robinson*, *William Cheeseman*, *George Browne*, *John Parsons*, *John Curl*, *Frederick Dean*, *William Dean*, *Samuel Tuppen*, *John Sawyers*, *Thomas Crowter*, *Thomas Pockney*, *Joseph Dedman*, *John Dean*, *John Whiting*, *William Stevens*, *John Bawcomb*, *Robert Parker*, *John Hogsflesh*, *John Purse*, *John Dean*, *Thomas Jennings*, *John Snook* junior, *Richard Tilstone*, *William Turner*, *Walter Sawyers*, *Charles Mitchell*, *John Jarmand*, *John Wood*, *Friend Daniel*, *William Gratwick*, *Nathaniel Hillman*, *Thomas Roberts*, *John Ashman*, *William Cooter*, *Thomas Frost*, *Michael Smith*, *Richard Carver*, *Michael Durrant*, *Emery Churcher*, *Walter Broad*, *Richard Stoneham*, *James Bennett*, *Clement Freeman*, *William Jupp*, *Thomas Crowter*,

Crowter, *John Barnard*, *James Mitchell*, *James Millar*, otherwiſe *Miller*, *William Newnham*, *Jeffery Carver*, *Randall Button*, *James Carver*, *John Martin*, *John Dedman* ſenior, *William Jennings*, *William Hards*, *Thomas Gear*, *William Ruſbridge*, *Henry Robinſon*, and *Henry Hannington*, from voting at elections of members to ſerve in parliament, and for the preventing bribery and corruption in the election of members to ſerve in parliament for the borough of *New Shoreham*, in the county of *Suſſex*.

Cap. 56. For diveſting out of the crown, and to veſt in *Gerald Fitzgerald* of *Rathrone*, in the county of *Meath*, in the kingdom of *Ireland* eſquire, and his heirs, the reverſion in fee of and in ſeveral lands in *Ireland* therein mentioned.

Cap. 57. To continue and render more effectual an act paſſed in the ninth year of his preſent Majeſty, for repairing the roads leading from the turnpike road in *Tring*, in the county of *Hertford*, through *Dunſtable*, *Hitchin*, *Baldock*, and *Royſton*, to the turnpike road at or near *Bournbridge*; and from the weſt end of *Wellbury Lane* to the turnpike road at the ſouth end of *Barton*, in the counties of *Hertford*, *Bucks*, *Bedford*, and *Cambridge*; ſo far as the ſame relates to the repairing the roads in the *Royſton* diſtrict of roads, in the ſaid act particularly mentioned.

Cap. 58. For enlarging the term and powers of an act, made in the ſecond year of the reign of his preſent Majeſty, intituled, *An act for repairing and widening the high road leading from the north end of* Ballingdon Bridge in *Sudbury*, in the county of *Suffolk*, to the ſouth gate in *Bury Saint Edmund's*, in the ſaid county.

Cap. 59. To impower *Charles Fitz Roy*, eſquire, to ſhut up certain foot-paths in the pariſh of *Saint Pancras*, alias *Kentiſh Town*, in the county of *Middleſex*, and to oblige him to make and keep in repair for the future a foot-path in lieu thereof.

Cap. 60. For enlarging the term and powers of an act made in the eighth year of the reign of his preſent Majeſty, intituled, *An act for repairing ſeveral roads leading through the county of* Selkirk.

Cap. 61. For enlarging the term and powers of an act, made in the ſeventh year of the reign of his preſent Majeſty, for repairing and widening the road from *Spernal Aſh*, in the county of *Warwick*, to a ſtreet called *Digbeth* in the town of *Birmingham*.

Cap. 62. To explain, amend, and render more effectual, an act made in the eighth year of his preſent Majeſty's reign, intituled, *An act for making and maintaining a navigable cut or canal from the* Firth *or river of* Forth, *at or near the mouth of the river of* Carron, *in the county of* Stirling, *to the* Firth *or river of* Clyde, *at or near a place called* Dalmuir Burnfoot, *in the county of* Dumbarton; *and alſo a collateral cut from the ſame to the city of* Glaſgow; *and for making a navigable cut or canal of communication, from the port and harbour of* Borrowſtounneſs, *to join the ſaid canal at or near the place where it will fall into the* Firth *of* Forth.

Cap. 63. To continué and render more effectual an act made in the ſeventeenth year of the reign of his late Majeſty, for repairing

pairing the road from the end of *Middleton Tyas Lane* to *Greetobridge*, and from thence to *Bowes*, in the north riding of the county of *York*.

Cap. 64. To enlarge the term and powers of an act, made in the twenty-ſixth year of his late Majeſty, for repairing and widening the road from the town of *Tadcaſter*, through *Collingham*, *Harewood*, *Arthington*, and *Pool*, to the town of *Otley*, in the weſt riding of the county of *York*.

Cap. 65. To enlarge the term and powers of an act, made in the twenty-fifth year of his late Majeſty, for repairing the road from *Knareſbrough*, in the county of *York*, by *Longſtatt Lane*, *Gouldſbrough Fields*, *Flaxby*, *Allerton*, *Mauleverer*, and *Scate Moor*, to *Greenhamerton*, in the ſame county; and for making the ſame a high carriage road.

Cap. 66. To enlarge the term and powers of an act, made in the twenty-third year of the reign of his late Majeſty, for repairing the road from the city of *York*, over *Skipbridge* to *Boroughbridge* in the county of *York*.

Cap. 67. To oblige the company of proprietors of the *Birmingham* canal navigation to complete the ſaid canal to a field called *Newhall Ring*, adjoining to the town of *Birmingham*, in the county of *Warwick*, within a limited time, and to maintain and keep the ſame free and open for the paſſage of boats, barges, and other veſſels.

Cap. 68. For repairing and widening the road from *Collingham*, through *Wetherby*, to the city of *York*.

Cap. 69. For enlarging the term and powers granted by an act of the ninth year of his preſent Majeſty's reign, for repairing the road from the turnpike-gate in the townſhip of *Greenfield*, to the north limits of the townſhip of *Moſtyn*; and from *Moſtyn* to *Henllan*; and from *Llanerch y Mor* to *Pen y Ffordd Waen*, in the counties of *Flint* and *Denbigh*; and for extending the ſaid act to ſeveral other roads in the ſaid counties, and the county of *Carnarvon*; and for taking ſeveral roads within the ſaid counties out of the power of the truſtees appointed by two ſeveral acts of parliament of the twenty-ninth and thirtieth years of his late Majeſty; and for putting the ſaid roads under the direction of the truſtees appointed by the ſaid former and this preſent act.

Cap. 70. To continue and render more effectual ſeveral acts for repairing the highways between the *Bear Inn* in *Reading* and *Puntfield*, in the county of *Berks*, and other roads in the ſaid acts mentioned; and for repairing ſeveral other roads in this act mentioned.

Cap. 71. For repairing and widening the road from the *Low-water Mark* of the river *Humber*, at or near *Brough Ferry*, in the pariſh of *Elloughton*, in the eaſt riding of the county of *York*, to the north end of the town of *Brough*, and from thence through *South Cave* to *Coney Clappers*, in *South Newbald Holmes*, in the ſaid riding.

Cap. 72. For draining and preſerving certain fen lands and low

low grounds in the parishes of *Stoke Ferry*, *Northwold*, *Wretton*, *Wereham*, *West Dereham*, and *Roxham*, in the county of *Norfolk*.

Cap. 73. For amending, widening, turning, and altering the road from the bottom of *Galley Hill*, near the town of *Witney*, to the cross in *Clanfield*, in the county of *Oxford*.

Cap. 74. To continue and render more effectual three acts, made in the twelfth year of King *George* the first, and in the eighteenth and thirty-first years of his late Majesty, for repairing the roads from *Birmingham*, through *Warwick* to *Warmington*, and from *Birmingham*, through *Stratford upon Avon*, to *Edgehill*, in the county of *Warwick*, so far as the same relate to the road from *Birmingham*, through *Stratford upon Avon*, to *Stratford Bridge*, in the said county.

Cap. 75. For making a navigable cut or canal from *Chesterfield*, in the county of *Derby*, through or near *Worksop* and *Retford*, to join the river *Trent*, at or near *Stockwith*, in the county of *Nottingham*.

Cap. 76. For repairing and widening the road leading from *Penistone Bridge*, in the county of *York*, to *Grindleford Bridge*, in the county of *Derby*; and the roads severally leading from *Bamford Woodgate*, over *Yorkshire Bridge*, to the guide-post on *Thornhill Moor*, to or near the eighth mile-stone on *Hathersage Moor*, and to the village of *Darwent*, in the said county of *Derby*.

Cap. 77. For repairing and widening several roads leading to the town of *Lantrissent*; and also the road leading from *Newbridge*, to a place called *The Old Furnace*; all in the county of *Glamorgan*.

Cap. 78. To enable the corporation of the governor, bailiffs, and commonalty of the company of conservators of the *Great Level* of the *Fens*, called *Bedford Level*, to complete and maintain the principal banks and works necessary to the well-draining and preserving the *North Level*, part of the said *Great Level*, and for laying taxes upon the lands within the said *North Level*, and on divers lands adjoining thereto, in the manor of *Crowland*.

Cap. 79. To enlarge the term and powers of so much of an act made in the twenty-fourth year of the reign of King *George* the second, as relates to the repairing the road from *Cramond Bridge* to the town of *Queensferry*, in the county of *Linlithgow*.

Cap. 80. For enlarging the term and powers of several acts made for repairing and amending that part of the road leading from a certain place called the *White Post* on *Alconbury Hill*, in the county of *Huntingdon*, to *Wandsford Bridge*, in the said county, called the *North Division of the North Road*; and for repairing the road leading from *Stilton*, in the said county of *Huntingdon*, to the city of *Peterborough*, in the county of *Northampton*.

Cap. 81. To enlarge the term and powers of an act made in the twenty-fourth year of King *George* the second, for repairing the road leading from *West Lavington* to the *Devizes*, and from the *Devizes* to *Seend*, in the county of *Wilts*.

Cap. 82. To enlarge the term contained in two several acts of par-

parliament; and to repair, widen, and amend the road from the guide poſt at the weſterly end of *Newton Lane*, within the townſhip of *Mancheſter*, in the county palatine of *Lancaſter*, to *Auſterlands*, in the pariſh of *Saddleworth*, in the county of *York*.

Cap. 83. To enlarge the term and powers of an act made in the eighteenth year of King *George* the ſecond, to repair the road leading from *Tadcaſter Bridge*, within the county of the city of *York*, to a place near the ſaid city, called *Hobmoor Lane End*.

Cap. 84. For repairing, widening, turning, and altering the road from the market-houſe in the town of *Great Farringdon*, in the county of *Berks*, to *Burford*, in the county of *Oxford*.

Cap. 85. For repairing and widening the roads from the town of *Peebles* to the *King's Eatedge*, and to *Gatehope-know Burnfoot*, and to the top of *Minchmoor*, and to *Loch-head*, in the county of *Peebles*.

Cap. 86. For repairing and widening the road from *Stone* to *Lane End*; and to the road between *Leek* and *Sandon* on *Meir Heath*, and from thence to *Blythe Bridge*; and alſo from *Meir* to *Trentham*, and from thence to *Stableford Bridge*, in the county of *Stafford*.

Cap. 87. For repairing and widening the road from *Shelton* to the road between *Cheadle* and *Leek*, and from *Bucknall* to *Weſton Coyney*; and from the road between *Cheadle* and *Leek* to the turnpike road above *Frogall Bridge*; and from the ſame road to the road between *Blyth Marſh* and *Thorp*, at or near *Ruehill Gate* in the county of *Stafford*.

Cap. 88. To continue and render more effectual two acts paſſed in the twelfth year of the reign of King *George* the firſt, and the nineteenth year of the reign of his late Majeſty, for repairing the road from *Market Harborough* to *Loughborough*, in the county of *Leiceſter*; and for repairing, widening, turning, and altering the road branching out of the aforeſaid road, at a place called *Filling Gate* to a road called the *Foſs Road*, and from thence to the turnpike road leading from *Melton Mowbray*, to the guide poſt in *Saint Margaret's Field Leiceſter*.

Cap. 89. For making a navigable cut or canal from *Bradford*, to join the *Leeds* and *Liverpoole* canal at *Windhill*, in the townſhip of *Idle*, in the county of *York*.

Cap. 90. To enlarge the term and powers of an act made in the twenty-ſixth year of the reign of King *George* the ſecond, for repairing the roads from *Livingſton*, by the kirk of *Shotts*, to the city of *Glaſgow*, and by the town of *Hamilton* to the town of *Strathaven*, and for repairing and widening the road leading from the confines of the county of *Air*, at or near *Lochgate*, to the town of *Strathaven* in the county of *Lanark*.

Cap. 91. To enlarge the term and powers of three acts, paſſed in the twelfth year of King *George* the firſt, and the nineteenth and twenty-ſixth years of his late Majeſty, for repairing the road from *Liverpoole* to *Preſcott*, and other roads in the county palatine of *Lancaſter*, and for amending the road from the cauſeway at *Blacklow Brow*, to the cauſeway leading from *Preſcott* to *Liver-*

Liverpoole, and alſo through *Lime Kiln Lane*, to *Ranelagh Houſe* in *Liverpoole* aforeſaid.

Cap. 92. For enlarging and altering the terms and powers of ſeveral acts, made in the thirteenth year of the reign of King *George* the firſt, and in the twenty-firſt year of the reign of King *George* the ſecond, for repairing the roads leading from the town of *Bromſgrove* to the town of *Dudley*, in the county of *Worceſter*; and from the ſaid town of *Bromſgrove* to the town of *Birmingham*, in the county of *Warwick*; ſo far as the ſaid acts relate to the repairing of the roads leading from the ſaid town of *Birmingham* to the ſaid town of *Bromſgrove*.

Cap. 93. For repairing and widening the road from *Patrick's Croſs*, within the town of *Liverpoole*, in the county palatine of *Lancaſter*, to the town of *Preſton*, in the ſame county palatine.

Cap. 94. For repairing and widening the road from the turnpike road at *Vineball* in the pariſh of *Mountfield*, in the county of *Suſſex*, to *Cripp's Corner*, and from thence to *Staple-croſs*, and to the turnpike road near the windmill in the pariſh of *Beckley*, and from *Staple-croſs* to *Longley's* water corn-mill at *Kent Ditch*, and from *Cripps's Corner* to the town of *Rye* in the ſaid county.

Cap. 95. For repairing and widening the road leading from *Wem*, in the county of *Salop*, to the lime rocks at *Bron y Garth*, and ſeveral other roads in the counties of *Salop* and *Denbigh*.

Cap. 96. For repairing, widening, and keeping in repair, ſeveral roads leading from *Tavernſpite* to the towns of *Pembroke* and *Tenby*, and to *Hubberſton Haking*, in the county of *Pembroke*.

Cap. 97. For amending and widening the road from *Beſſelſleigh*, through *Wantage*, to *Hungerford*, in the county of *Berks*; and from *Wantage* to *Marlborough*, in the county of *Wilts*; and from the turnpike road between *Reading* and *Wallingford* through *Halfpenny Lane*, to the *Old Red Houſe* upon *Wantage Downs*, and from thence to *Lamborn*, in the ſaid county of *Berks*.

Cap. 98. For repairing and widening the road from *Hodges* to *Beadles Hill*, and from thence to the town of *Cuckfield*, and from *Beadles Hill* aforeſaid to the town of *Lindfield*, and from the turnpike road between *Cuckfield* and *Crawley*, to the town of *Horſham*; and alſo the road from *Swingate*, in the pariſh of *Burwaſh*, to *Shover Green*, in the pariſh of *Ticehurſt*, all in the county of *Suſſex*.

Cap. 99. For repairing and widening the roads from *Hand Croſs* to *Corner Houſe*, and from thence to the turnpike road leading from *Horſham* to *Steyning*, and from *Corner Houſe* aforeſaid to the maypole in the town of *Henfield*, in the county of *Suſſex*.

PRIVATE

A TABLE of the STATUTES.

PRIVATE ACTS.

1. AN act for naturalizing *Bernard Perny*.

2. An act for dividing and incloſing the common and open fields, commonable lands, and waſte grounds, within the manor and pariſh of *Lowick*, in the county of *Northampton*.

3. An act for naturalizing *Lewis Benjamin Crinſoz*.

4. An act for dividing and incloſing the common and open fields, commonable lands, and waſte grounds, within the manor and pariſh of *Slipton*, in the county of *Northampton*.

5. An act for dividing and incloſing the ſeveral open fields, meadows, paſtures, commons, carrs, and other unincloſed grounds, within the ſeveral townſhips of *Lockington* and *Ayke*, in the eaſt riding of the county of *York*; and for extinguiſhing the right of common, or average, upon certain antient incloſures within the ſaid townſhip of *Lockington*.

6. An act for naturalizing *Gerard Portman*.

7. An act for more effectually veſting the reverſion in fee-ſimple of and in divers lands and hereditaments, in the counties of *Derby*, *Leiceſter*, *Nottingham*, and *Stafford*, in *Waſhington* earl *Ferrers*, and his truſtees; and for confirming letters patent granted thereof, and of certain other lands and hereditaments in the county of *Northampton*, to the ſaid earl, in the third year of his preſent Majeſty's reign; and for other purpoſes therein mentioned.

8. An act to render valid and effectual certain articles of agreement, between *William Lambton* eſquire and the honourable and right reverend *Richard* lord biſhop of *Durham*, and the other perſons therein named.

9. An act to enable the biſhop of *Hereford* to exchange certain lands and premiſes, in the counties of *Hereford*.

10. An act for explaining and amending an act, intituled, *An act for veſting part of the fee-ſimple eſtate of* George *late lord viſcount* Midleton, *of the kingdom of* Ireland, *in truſtees to be ſold, for paying the debts, legacies, and incumbrances, mentioned in, and appointed to be paid by, his will; and for executing and effectuating ſeveral contracts entered into by him, for ſelling and leaſing divers farms and lands in* Ireland; *and for making the exemplification of his will evidence in law and equity.*

11. An act to impower Sir *Francis Blake Delaval* knight of the bath, or the perſon or perſons claiming under a ſettlement of his family eſtates, dated the nineteenth day of *January*, one thouſand ſeven hundred and forty eight, to grant to *Thomas Delaval* eſquire, his heirs and aſſigns, a certain parcel of land and buildings, liberties and privileges; and alſo to grant two ſeveral leaſes, for ninety-nine years each, to, or in truſt for, the ſaid *Thomas Delaval* and Sir *John Huſſey Delaval* baronet, of certain lands, copperas works, buildings, liberties, and privileges, in the manors of *Hartley* and *Seaton Delaval*, in the county of *Northumberland*, part of the ſettled eſtates of the ſaid Sir *Francis Blake Delaval*; and for other purpoſes therein mentioned.

12. An

12. An act for effectuating a conveyance of the real eſtates late of *John Eſſington* eſquire, deceaſed, to the purchaſers thereof, under a decree or order of the high court of chancery.

13. An act for dividing and incloſing the open and common fields within the townſhip and liberties of *Ayleſbury*, in the county of *Bucks*.

14. An act for dividing and incloſing the open and common fields, common meadows, common grounds, and commonable lands, within the pariſh of *Whitchurch*, in the county of *Bucks*.

15. An act for dividing and incloſing the open fields and common paſtures, in the pariſh of *Kirkby Mallory*, in the county of *Leiceſter*.

16. An act for dividing, allotting, and incloſing, the open fields, and commonable places, in *Keyham*, in the pariſh of *Rothley*, and county of *Leiceſter*.

17. An act for dividing and incloſing the common fields, meadows, commons, or waſte lands, within the manor and pariſh of *Hill Croome*, in the county of *Worceſter*.

18. An act for dividing and incloſing *Barniker Moor* within the manor of *Nether Wyerſdale*, in the county palatine of *Lancaſter*.

19. An act for dividing and incloſing the ſeveral open fields, common paſture, commons, and waſte grounds, within the townſhip, hamlet, or liberty of *Fairfield*, in pariſh of *Hope*, and county of *Derby*.

20. An act for dividing and incloſing the open and common fields, common meadows, common paſtures, lammas grounds, and other commonable lands and grounds, in the pariſh of *Great Brickhill*, in the county of *Bucks*.

21. An act for dividing and incloſing the open and common fields, common paſtures, common meadows, heath, and other commonable lands, in the pariſh of *Sproxton*, in the county of *Leiceſter*.

22. An act for dividing and incloſing the ſeveral ſtinted paſtures, called the *North Moor*, *Longhill*, *Bark*, and *Garforth Cloſe*, within the townſhip of *Rilſton*, in the weſt riding of the county of *York*.

23. An act for dividing and incloſing the open and common fields, common paſtures, common meadows, heath, and other commonable lands, in the pariſh of *Saltby*, in the county of *Leiceſter*.

24. An act to enable the right honourable *Thomas* lord *Ducie*, and his iſſue, to take the ſurname of *Moreton*, and to bear and uſe the arms of honour of the right honourable *Matthew* lord *Ducie* deceaſed, purſuant to the will of the ſaid *Matthew* lord *Ducie*.

25. An act to enable captain *Samuel Pitchford*, and the heirs male of his body, to take and uſe the ſurname, and bear the arms, of Sir *Samuel Corniſh*, deceaſed, purſuant to his will.

26. An act to enable *Thomas Grundy*, and his iſſue male, to take and uſe the ſurname of *Swinſen*.

27. An act to enable *William Mackenzie*, *David Gravier*, and *John Gravier*, reſpectively, and the heirs male of their reſpective bodies, to take and uſe the ſurname and arms of *Godfrey*.

28. An act for making the exemplification of the last will and teſtament of *Francis Macartney* eſquire, deceaſed, evidence in all courts of law and equity in *Great Britain* and *Ireland*.

29. An act to diſſolve the marriage of *Henry Knight* eſquire, with *Catharine Lynch*, his now wife; and to enable him to marry again; and for other purpoſes therein mentioned.

30. An act for naturalizing *Henry Renner*.

31. An act for rendering valid and effectual certain articles of agreement, bearing date the twenty-firſt day of *July*, one thouſand ſeven hundred and ſeventy, made between *Frances* counteſs dowager of *Londonderry*, *Philip* earl of *Stanhope*, and others; and for veſting ſeveral manors, lands, and hereditaments, in the counties of *Devon* and *Wilts*, in truſtees, for the purpoſes in the act mentioned.

32. An act for rendering effectual an exchange of certain lands, parcel of the glebe of the rectory of *Avington* in the county of *Southampton*, for certain other lands in the ſaid pariſh of *Avington*, belonging to the moſt honourable the marquis of *Carnarvon*.

33. An act to enable *Francis Charteris* eſquire, heretofore called *Francis Wemyſs*, and the heirs of his body, and ſeveral other perſons therein named, and the heirs of their reſpective bodies, to retain, aſſume, and ſign, the name of *Charteris*, and to bear the arms of *Charteris*, and to hold and enjoy the eſtate therein mentioned, notwithſtanding the deſcent to him or them reſpectively of the honour and title of *Wemyſs*, or any other honour or title whatſoever.

34. An act for eſtabliſhing and confirming an exchange of a certain piece of incloſed land, in the pariſh of *Eaſt Barnet*, in the county of *Hertford*, and dioceſe of *London*, for other incloſed land, parcel of the glebe of the ſaid pariſh, purſuant to an agreement between *Benjamin Underwood* clerk, maſter of arts, rector of the ſaid pariſh of *Eaſt Barnet*, and *John Pybus*, eſquire.

35. An act for exemplifying or inrolling the will of *Charles Macarthy More*, deceaſed, and making the ſame evidence, as well in *Ireland* as *Great Britain*.

36. An act for dividing and incloſing the common fields, common meadows, common wood grounds, and commonable lands, in the pariſh of *Alveſton*, in the county of *Warwick*.

37. An act for dividing and incloſing certain common fields, common meadows, and commonable waſte grounds, within the manor and pariſh of *Aſton Subedge*, in the county of *Glouceſter*.

38. An act for dividing and incloſing a certain common paſture, called *Myton Carr*, in the lordſhip of *Myton*, in the pariſh of *The Holy Trinity*, in the town and county of the town of *Kingſton upon Hull*.

39. An act for dividing and allotting the common fields, downs, and all other the commonable lands and waſte grounds, in the manor and pariſh of *Eaſt Garſton*, in the county of *Berks*.

40. An

40. An act for dividing and inclosing the commons and waſte grounds, within the manor of *Monyaſh*, in the pariſh of *Bakewell*, in the county of *Derby*.

41. An act for dividing and inclosing the ſeveral open arable fields, meadows, paſtures, carrs, and other open and common grounds, within the townſhip of *Liſſet*, in the pariſh of *Beeſorth*, otherwiſe *Beford*, in the eaſt riding of the county of *York*.

42. An act for dividing and inclosing *Prieſtwood* common, in the pariſhes of *Mackworth*, *Kedleſton*, and *Meynell Langley*, or ſome of them, in the county of *Derby*.

43. An act for dividing and inclosing the open and common fields, cow paſtures, ings, common meadows, and other commonable lands, in the pariſh of *Weſt Aſhby*, within the manors of *Horncaſtle* and *Weſt Aſhby*, in the county of *Lincoln*.

44. An act for dividing, inclosing, and allotting, the ſeveral open fields, lands, and grounds, within the townſhip of *Kilham on the Woulds*, in the county of *York*.

45. An act for dividing and inclosing a certain parcel of common and waſte ground, called *The Outwoods*, within the townſhip or hamlet of *Horninglow*, in the pariſh of *Burton*, in the county of *Stafford*.

46. An act for dividing and inclosing ſeveral open fields, common or waſte lands, ſtinted paſtures, and commonable grounds, within the hamlets of *Stapenhill* and *Winſhill*, in the county of *Derby*.

47. An act for dividing and inclosing the ſeveral open fields, common meadows, ſtinted paſtures, commons, and waſte lands, in the ſeveral hamlets of *Stretton*, *Horniglow*, *Bond-end*, and *Branſton*, within the pariſh of *Burton upon Trent*, in the county of *Stafford*.

48. An act for dividing and inclosing the ſeveral paſtures, with the townſhip of *Hetton*, in the pariſh of *Burnſal*, and weſt riding of the county of *York*.

49. An act for dividing and inclosing certain open common fields and commonable grounds, within the manor and pariſh of *South Reſton*, in the county of *Lincoln*.

50. An act for dividing and inclosing the open and common fields, meadows, paſtures, heath, and waſte grounds, within the manor and pariſh of *Boothby Graffoe*, in the county of *Lincoln*.

51. An act for dividing and inclosing the open and uninclosed fields, lands, commons, and waſtes, within the manor of *Scalby*, in the north riding of the county of *York*; and alſo a certain common, called *Throxenby Moor*, otherwiſe *Newby Moor*, within the ſame riding.

52. An act for dividing and inclosing certain fields, lands, and waſte grounds, within the townſhip of *Melton*, in the pariſh of *Welton*, in the eaſt riding of the county of *York*.

53. An act for dividing and inclosing the common fields, and the common or heath, called *Kilſall Heath*, and other commonable lands, in the pariſh of *Donington*, in the county of *Salop*.

54. An act for dividing and incloſing a certain common, called *Holland Ward*, otherwiſe *Hollin Ward*, in the county of *Derby*.

55. An act for dividing and incloſing the open and common fields, and commonable lands within the manor of *Broadway*, in the county of *Worceſter*.

56. An act for dividing and incloſing certain commons, commonable grounds, and waſtes, called *Redditch Common* and *Webheath*, ſituate in that part of the manor of *Tardebigg*, which lies in the county of *Worceſter*, and for other purpoſes therein mentioned.

57. An act for dividing and incloſing the open fields, meadows, commons, and common paſtures, within the liberties of *Stapleford* and *Bramcote*, in the county of *Nottingham*.

58. An act for dividing and incloſing the open and common fields, common meadows, and commonable lands and grounds, in the pariſh of *Butler's Marſton*, in the county of *Warwick*.

59. An act for dividing and incloſing the open fields, commons, and waſte grounds lying in the pariſh of *Appleby*, in the counties of *Leiceſter* and *Derby*.

60. An act for dividing and incloſing the open and common fields, common meadows, and commonable lands and grounds, called *Beanhall Fields*, in the manor and pariſh of *Feckenham*, in the county of *Worceſter*.

61. An act for dividing and incloſing the common and waſte grounds, within the village, hamlet, townſhip, and manor of *Oxenhope*, in the pariſh of *Bradford*, and county of *York*.

62. An act for dividing and incloſing the open fields, meadows, common paſtures, and waſte grounds, within the townſhips of *North Muſkham*, *Holme*, and *Bathley*, in the pariſh of *North Muſkham*, in the county of *Nottingham*.

63. An act to impower Sir *John Gibbons* to ſhut up the foot-paths over certain lands, in the pariſh of *Stanwell*, in the county of *Middleſex*; and to extinguiſh all claims and right of common in and over the ſaid lands; and to oblige the ſaid Sir *John Gibbons* to make and keep in repair a foot-path in lieu thereof; and to veſt certain premiſes and a ſum of money in truſtees, for the uſe of the poor of the ſaid pariſh.

64. An act for naturalizing *John Peter Du Roveray*, *John Daniel Naville*, *John Peter Eynard*, *David Chollett*, and *John Zacharias Gertcken*.

65. An act for naturalizing *Auguſtine Noverre*.

66. An act for impowering the judges of the court of ſeſſion in *Scotland* to ſell certain parts and portions of the eſtate and barony of *Carrington* in the county of *Edinburgh*, which formerly belonged to *Hugh* lord viſcount *Primroſe*, deceaſed, and now to *Neil* earl of *Roſeberry*, for payment of the debts of the ſaid viſcount.

67. An act for veſting certain lands and hereditaments, part of the real eſtate of *John Sutton* eſquire, ſituate in the county of *Lincoln*, in truſt, to be ſold, for payment of eight thouſand pounds,

pounds, the portion of *Iſabella Sutton* deceaſed, and for the other purpoſes in the ſaid act mentioned.

68. An act for dividing and incloſing *Sheriff-hales* common, in the county of *Stafford*.

69. An act for dividing and incloſing the ſeveral parcels of fen land, within the pariſh of *Algarkirke cum Foſdyke*, in the parts of *Holland*, in the county of *Lincoln*.

70. An act for dividing and incloſing the open and common fields, in the pariſh of *Swalcliffe*, in the county of *Oxford*.

71. An act for diſcharging the manor of *Coldheſelddon*, and divers meſſuages, lands, and hereditaments, part of the eſtate of *Richard* earl of *Scarborough*, from the uſes, eſtates, and truſts, declared concerning the ſame, by the ſettlement executed previous to his marriage with *Barbara* counteſs of *Scarborough*, his wife, and by a certain act of parliament, which paſſed in the ſeventh year of his preſent Majeſty's reign; and for ſettling another manor, and other lands and hereditaments, of greater value, in lieu thereof, to the like uſes.

72. An act for enabling Sir *Henry Harpur* baronet to make leaſes of his eſtates in the counties of *Derby* and *Stafford*, for three lives, or ninety nine years, or ſuch other leaſes as are therein mentioned.

73. An act for ſale of part of the ſettled eſtates of Sir *John Shelley* baronet, and of the right honourable *John Shelley* his ſon, in the ſeveral counties of *Kent* and *Wilts*, and alſo of a farm, called *Kingſham Farm*, in the pariſh of *Saint Pancras*, in the county of *Suſſex*; and for applying the monies to ariſe by ſuch ſale, in diſcharge of the portions of the daughters of the ſaid Sir *John Shelley*, affecting the eſtates of him and his ſaid ſon; and for other purpoſes.

74. An act to exchange lands in *Langham*, in the county of *Suffolk*, between *Patrick Blake* eſquire, and *Edward Burch*, rector of the pariſh church of *Langham* aforeſaid, within the dioceſe of *Norwich*.

75. An act for veſting certain freehold and leaſehold mills, lands, and tenements, compriſed in the marriage ſettlement of *Joſeph Bullock* eſquire, in truſtees, to convey and aſſign the ſame reſpectively, purſuant to an agreement for the ſale thereof; and for laying out the money ariſing by ſuch ſale in the purchaſe of other lands and hereditaments, to be ſettled to the ſame uſes as are mentioned in the ſaid ſettlement.

76. An act for confirming a conveyance to *Henry Flitcroft* eſquire, of certain eſtates in the county of *York*, purchaſed by the truſtees in the marriage ſettlement of *Charles Goring* eſquire, and *Fanny* his wife; and for confirming a conveyance made by the ſaid *Henry Flitcroft* to the uſe of the ſaid truſtees of other eſtates, in lieu thereof, in the county of *Surrey*.

77. An act to enable the ſurviving truſtee named in the ſettlement of *William Pulteney* eſquire, and *Frances* his wife, to grant leaſes of their leaſehold eſtates in *Weſtminſter*.

78. An act for confirming a deed of truſt, dated the thirty-

first day of *December*, one thouſand ſeven hundred and ſeventy, and for the more effectual enabling the truſtees to raiſe the ſum of nine thouſand pounds, for the purpoſes therein mentioned, by mortgage or ſale of the freehold eſtate of *George Smyth* the elder, and *George Smyth* the younger, eſquires, ſituate in the county of *Glouceſter*, or of a competent part thereof.

79. An act for veſting part of the eſtate late of *Nicholas Corſellis* eſquire, deceaſed, at *Wivenhoe* and *Elmſted*, in the county of *Eſſex*, in truſtees, to be ſold, for raiſing money to diſcharge incumbrances.

80. An act for veſting the manor of *Aſtley*, and certain meſſuages, lands, tenements, and hereditaments, in *Aſtley*, *Tyldeſley*, and *Bedford*, in the county of *Lancaſter*, compriſed in the marriage articles of *Thomas Froggatt*, and *Hannah* his wife, in truſtees, to the ſeveral uſes, upon the truſts, and ſubject to the powers, proviſoes, and reſtrictions therein mentioned.

81. An act for veſting the ſettled eſtates of *Thomas Parkinſon*, *Edward Heathcote*, and *Catharine* his wife, and their reſpective children, lying in the counties of *Nottingham*, *Lincoln*, and *Cheſter*, in truſtees, to ſell a ſufficient part thereof, for payment of debts and legacies affecting the ſame, and for making a partition of the remainder thereof, and ſettling the entire premiſes to the uſes therein mentioned.

82. An act for diſcharging from tithe certain lands, in the pariſh of *Sebraham*, otherwiſe *Sebergham*, in the county of *Cumberland*; and for making compenſation to the curate of the ſaid pariſh for the ſame.

83. An act for draining and preſerving certain fen lands and low grounds, in *Ladus Fen*, in the iſle of *Ely*.

84. An act for dividing and incloſing the open and common fields, common meadows, common paſtures, and other commonable places, in *Waverton*, otherwiſe *Wareton*, in the pariſh of *Poleſworth*, in the county of *Warwick*.

85. An act for dividing and incloſing the ſeveral open and common fields, commonable lands, and waſte grounds, within the manor of *Hamſtead Norreys*, in the pariſh of *Hampſtead Norreys*, in the county of *Berks*.

86. An act for dividing and incloſing certain open and common fields, called *Stretton* common field, and certain common or waſte grounds, called *Stretton Heath*, and *Stretton Horſe Slead*, in the pariſh of *Stretton on the Foſs*, in the county of *Warwick*.

87. An act for dividing and incloſing the ſeveral open and common fields, arable, meadow, and paſture grounds, lammas grounds, and commonable lands, within the hamlets and liberties of *Knightcot* and *Northend*, in the pariſh of *Burton Daſſett*, in the county of *Warwick*.

88. An act for dividing and incloſing the open and common fields, common meadows, and commonable lands, within the pariſh of *Naunton Beauchamp*, in the county of *Worceſter*.

89. An act for dividing and incloſing the open fields, meadows, common paſtures, and all other common and waſte lands, in

in the liberties or Hamlets of *Kilby* and *Newton Harcourt*, in the parish of *Wistow*, and county of *Leicester*.

90. An act for dividing and inclosing the open and common fields of *Stetton under Foss*, in the parish of *Monk's Kirby*, in the county of *Warwick*.

91. An act for dividing and inclosing certain open fields, lands, and grounds, in the township and parish of *Bishop Norton*, in the county of *Lincoln*.

92. An act for dividing and inclosing all the open fields, lands, and grounds, at *Long Riston* and *Arnold*, in the county of *York*.

93. An act for dividing and inclosing the open and common fields, common meadows, common pastures, and other commonable lands and grounds, within the parish and liberties of *Pattishall*, within the hamlets of *Eastcote*, *Astcote*, and *Darlescote*, in the county of *Northampton*.

94. An act for dividing, allotting, and inclosing, the open and commonable fields, meadows, pastures, lands, and waste grounds, of, within, and belonging to, the manor, parish, and liberties of *Harford*, in the county of *Huntingdon*.

95. An act for dividing and inclosing the open fields, in the township of *Butterwick*, in the parish of *Foxholes*, in the east riding of the county of *York*.

96. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, and waste grounds, in the parish of *Earls Barton*, in the county of *Northampton*.

97. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, and commonable lands, within the manor and parish of *Wedon* and *Weston*, otherwise *Wedon Pinkney*, otherwise *Loys Wedon*, in the county of *Northampton*.

98. An act for dividing and inclosing the open and common fields, common pastures, common meadows, common grounds, and commonable lands, within the parish and liberties of *Watford*, and within the hamlet and liberties of *Murcott*, in the parishes of *Watford*, and *Long Buckby*, in the county of *Northampton*.

99. An act for dividing and inclosing the moor, or common, called *Elvet Moor*, in the parish of *Saint Oswald*, in the county palatine of *Durham*, and for extinguishing all right of common in certain intercommon lands in the said parish.

100. An act for dividing and inclosing the open arable fields, meadows, pastures, commons, and waste grounds, in the parish of *Misterton*, in the county of *Nottingham*.

101. An act for dividing and inclosing the commonable lands and waste grounds, within the manor and parish of *Ubly*, in the county of *Somerset*.

102. An act for naturalizing *Jacob Matthias Justus*, and *Theophilus Christian Blanckenhagen*.

103. An act for naturalizing *Francis Harrand*.

104. An act for vesting in trustees, and their heirs, several manors, messuages, lands, and hereditaments, in the county of *Southampton*,

Southampton, the eſtate of the moſt noble *William Henry Cavendiſh*, Duke of *Portland*, upon truſt to ſell the ſame, and to apply the money to ariſe by ſale thereof in manner therein mentioned.

105. An act for veſting the manor, capital meſſuage, barton farm, and demeſne lands of *Cadhay*, ſituate in *Ottery Saint Mary*, in the county of *Devon*, part of the ſettled eſtate of Sir *Booth Williams* baronet, in truſtees, to be ſold; and for laying out the money ariſing by ſuch ſale in the purchaſe of other lands and hereditaments, to be ſettled to the ſame uſes which are now ſubſiſting with regard to the ſaid ſettled eſtate.

106. An act for confirming and carrying into execution an agreement, dated the twenty-third day of *June*, one thouſand ſeven hundred and ſeventy, between *Humphrey Minchin* eſquire, and *George Clive* eſquire, and for veſting certain eſtates, in the county of *Tipperary*, in the kingdom of *Ireland*, in certain truſtees, and their heirs, for that purpoſe.

107. An act for veſting certain meſſuages in *The Strand*, in the county of *Middleſex*, part of the ſettled eſtate of *James Theobald* eſquire, in truſtees, to be conveyed to *James Adam* eſquire; and for laying out the purchaſe money in lands, to be ſettled to the uſes to which the ſaid ſettled eſtate do now ſtand limited.

108. An act for veſting the copyhold eſtate of *Richard Maddock*, gentleman, deceaſed, ſituate at *Norwood*, in the county of *Middleſex*, in truſtees, to be ſold, towards diſcharging the principal money and intereſt due upon a mortgage thereof, and of certain freehold eſtates of the ſaid *Richard Maddock*, in the county of *Wilts*.

109. An act for dividing and incloſing the open common meadows, commons, and downs, in the pariſhes of *Preſton* and *Stratton*, in the county of *Glouceſter*.

110. An act for dividing and incloſing the common fen, belonging to *Boſton Weſt*, in the county of *Lincoln*.

111. An act for dividing and incloſing the common fen, belonging to *Skirbeck Quarter*, in the pariſh of *Skirbeck*, in the county of *Lincoln*.

112. An act for dividing and incloſing the commons and waſte grounds within the townſhip of *Brampton-en-le-Morthen*, in the weſt riding of the county of *York*.

113. An act for naturalizing *Carſtin Dirs* and *Jacob Gloſtein*.

F I N I S.

A
TABLE
OF THE
STATUTES
PUBLICK and PRIVATE,

Paſſed *Anno duodecimo*

GEORGII III. *Regis.*

Being the Fifth Seſſion of the Thirteenth Parliament of *Great Britain*.

PUBLICK ACTS.

Cap. 1. TO continue and amend an act made in the laſt ſeſſion of parliament, intituled, *An act to continue the prohibition of the exportation of corn, grain, meal, flour, bread, biſcuit, and ſtarch; and alſo of the extraction of low wines and ſpirits from wheat and wheat flour, for a further time; and alſo to prohibit the exportation of malt for a limited time.*

Cap. 2. To continue for a further time an act made in the eighth year of his preſent Majeſty's reign, intituled, *An act to continue and amend an act made in the fifth year of the reign of his preſent Majeſty, intituled*, An act for importation of ſalted beef, pork, bacon, and butter, from *Ireland*, for a limited time; and for allowing the importation of ſalted beef, pork, bacon, and butter, from the *Britiſh* dominions in *America*, for a limited time.

Cap. 3. For granting an aid to his Majeſty by a land tax, to be raiſed in *Great Britain*, for the ſervice of the year one thouſand ſeven hundred and ſeventy-two.

Cap. 4. For puniſhing mutiny and deſertion; and for the better payment of the army and their quarters.

Cap. 5. For the regulation of his Majeſty's marine forces, while on ſhore.

Cap. 6. For continuing and granting to his Majeſty certain duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and ſeventy-two.

Cap. 7. For explaining and amending an act made in the ſeventh year of his preſent Majeſty, intituled, *An act for taking off the inland duty of one ſhilling* per *pound weight upon all black and ſinglo teas conſumed in* Great Britain; *and for granting a drawback upon the exportation of teas to* Ireland, *and the* Britiſh *dominions in* America, *for a limited time, upon ſuch indemnification to be made in reſpect thereof by the* Eaſt India Company *as is therein mentioned, for permitting the exportation of teas in ſmaller quantities than one lot to* Ireland, *or the ſaid dominions in* America; *and for preventing teas ſeized and condemned from being conſumed in* Great Britain; and for ſettling certain doubts and diſputes which have ariſen upon the ſaid act of parliament.

Cap. 8. To explain and amend an act paſſed in the tenth year of his preſent Majeſty's reign, for paving, lighting, and watching the town of *Plymouth*, in the county of *Devon*, and for regulating the carmen and porters within the ſaid town.

Cap. 9. To enable the governor, bailiffs, and commonalty of the company of conſervators of the great level of the fens, commonly called *Bedford Level*, to borrow upon bonds further money, upon account of the middle and ſouth levels, part of the ſaid great level; and for eſtabliſhing a further certain fund, for payment of the bonds of the ſaid corporation, out of the ſaid middle and ſouth levels.

Cap. 10. For allowing further time for inrolment of deeds and wills made by papiſts; and for relief of proteſtant purchaſers.

Cap. 11. For the better regulating the future marriages of the royal family.

Cap. 12. For further continuing two acts, made in the ſixth and ninth years of his Majeſty's reign, for puniſhing mutiny and deſertion, and for the better payment of the army and their quarters, in his Majeſty's dominions in *America*.

Cap. 13. For defraying the charge of the pay and clothing of the militia in that part of *Great Britain* called *England*, for one year, beginning the twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy-two.

Cap. 14. For clearing, depthening, repairing, maintaining, and improving the haven and piers of *Great Yarmouth*; and for depthening, and making more navigable, the ſeveral rivers emptying themſelves into the ſaid haven; and for preſerving ſhips wintering therein from accidents by fire.

Cap. 15. For lighting, cleanſing, and watching, the ſtreets, lanes, and other paſſages, of the burgh of *Canongate*, and the liberties of *Pleaſance* and *Leith-wynd*, adjoining to the royalty of the city of *Edinburgh*.

Cap. 16. For deepening, cleanſing, ſcouring, preſerving, and maintaining, the harbour of *Port Glaſgow*, for enlarging and improving the quays and piers, for erecting new breaſts, jettees, and piers; and for regulating ſhips, lighters, and other veſſels, trading

trading into and going out of the ſaid harbour; and for other purpoſes therein mentioned.

Cap. 17. For lighting ſuch part of the town of *Iſlington* as lies in the pariſh of *Saint Mary, Iſlington*, in the county of *Middleſex*; and for eſtabliſhing a regular nightly watch therein.

Cap. 18. For the better paving, cleanſing, lighting, and watching, the ſtreets and lanes in the town and pariſh of *Chatham*, in the county of *Kent*, and for removing and preventing nuiſances and annoyances therein.

Cap. 19. To enable his Majeſty to grant certain houſes in *Fenchurch-ſtreet* and *Addle-ſtreet*, in the city of *London*, eſcheated to the crown by the death of lieutenant-general *John Brown*, without heir, unto *Frederick Montagu* eſquire, and his heirs, upon the truſts therein mentioned.

Cap. 20. For the more effectual proceeding againſt perſons ſtanding mute on their arraignment for felony, or piracy.

Cap. 21. For giving relief in proceedings upon writs of *Mandamus* for the admiſſion of freemen into corporations; and for other purpoſes therein mentioned.

Cap. 22. For deepening, cleanſing, ſcouring, preſerving, and maintaining, the harbour of *Ayr*; for enlarging and improving the quays and piers; for erecting docks, breaſts, jettees, and piers; and for regulating ſhips, lighters, and other veſſels, trading into and going out of the ſaid harbour; and for other purpoſes therein mentioned.

Cap. 23. For the relief of inſolvent debtors; and for indemnifying the marſhal of the *King's Bench* priſon from proſecutions at law, for certain eſcapes from the ſaid priſon.

Cap. 24. For the better ſecuring and preſerving his Majeſty's dock yards, magazines, ſhips, ammunition, and ſtores.

Cap. 25. For the more effectual veſting in the royal hoſpital at *Greenwich* the forfeited and unclaimed ſhares of naval officers, ſeamen, and marines, in prizes taken from the enemy; and for other purpoſes therein mentioned.

Cap. 26. For imbanking, draining, and preſerving, certain fen lands and low grounds in the pariſh of *Ramſey*, in the county of *Huntingdon*; and in the pariſhes of *Doddington*, *March*, *Benwick*, *Wimblington*, and *Chatteris*, within the *Iſle of Ely*, in the county of *Cambridge*; and for amending the road from a certain bridge in the pariſh of *Chatteris* aforeſaid, called *Carter's Bridge*, by a drain called *Vermuyden's*, or *The Forty Feet Drain*, to a bridge called *The Forty Feet Bridge*, in the ſaid pariſh of *Ramſey*.

Cap. 27. To amend and render more effectual an act, made in the twenty-ſecond year of the reign of his late majeſty King *George* the Second, intituled, *An act for the more effectual draining and preſerving of ſeveral fen lands, and field lands, in the bounds and precincts of* Whittleſey, *in the* Iſle of Ely, *in the county of* Cambridge, ſo far as the ſame relates to the ſeveral fen and field lands lying in the third, fourth, and fifth diſtricts, deſcribed in the ſaid act.

Cap. 28. To enlarge the cœmetery or church-yard, of the pariſh of *Watford*, in the county of *Hertford*, and to make an

additional building to the preſent workhouſe, for the reception of the poor of the ſaid pariſh; and for other purpoſes therein mentioned.

Cap. 29. To explain and amend an act, paſſed in the ſixth year of the reign of his preſent Majeſty, intituled, *An act for taking down and removing certain light-houſes now ſtanding near the* Spurn Point, *at the mouth of the* Humber; *and for erecting other fit and convenient light-houſes inſtead thereof.*

Cap. 30. For the further augmentation of the ſalaries of the juſtices of *Cheſter*, and the great ſeſſions for the counties in *Wales*.

Cap. 31. To indemnify ſuch perſons as have omitted to qualify themſelves for offices and employments; and to indemnify juſtices of the peace, or others, who have omitted to regiſter or deliver in their qualifications within the time limited by law, and for giving further time for thoſe purpoſes; and to indemnify members and officers, in cities, corporations, and borough towns, whoſe admiſſions have been omitted to be ſtamped according to law, or, having been ſtamped, have been loſt or miſlaid, and for allowing them time to provide admiſſions duly ſtamped, and to give further time to ſuch perſons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and ſolicitors.

Cap. 32. For allowing the free importation of rice into this kingdom, from any of his Majeſty's colonies in *America*, for a limited time.

Cap. 33. For allowing the importation of wheat, wheat flour, rye, rye meal, and *Indian* corn, into this kingdom, for a limited time, free of duty.

Cap. 34. To amend an act of the tenth year of the reign of his preſent Majeſty, for building a workhouſe in the pariſh of *Saint Martin in the Fields*, within the city of *Weſtminſter*, in the county of *Middleſex*.

Cap. 35. For enabling their Majeſties to enfranchiſe copyhold lands holden of the manor of *Richmond*, in the county of *Surrey*, and for enabling his Majeſty to ſhut up a lane leading from *Richmond Green* to the river *Thames*, and to ſell and exchange certain lands within the manors of *Richmond* and *Wimbleton*.

Cap. 36. For compleating a building intended for a new church or chapel at *Richmond*, near *Everton*, in the county palatine of *Lancaſter*; and for other purpoſes.

Cap. 37. For draining and preſerving certain commons, low grounds, and cars, in the pariſh of *Market Weighton*, and other adjacent pariſhes in the eaſt riding of the county of *York*; and for making a navigable cut or canal from *Market Weighton* to the river *Humber*.

Cap. 38. For paving, cleanſing, lighting, watching, and regulating the ſquares, ſtreets, rows, lanes, alleys, and other publick paſſages and places, within the pariſh of *Chriſt Church*, in *Middleſex*; and for removing nuiſances and obſtructions therefrom, and preventing the like for the future; and for paving and regulating ſuch parts of *Brick Lane* as are not within the ſaid pariſh.

Cap. 39.

Cap. 39. For raiſing a certain ſum of money by loans or exchequer bills, for the ſervice of the year one thouſand ſeven hundred and ſeventy two.

Cap. 40. For amending and rendering more effectual an act, made in the tenth year of his Majeſty's reign, intituled, *An act for building a new pariſh church, and declaring the preſent pariſh church a chapel; for making a cœmetery or church-yard; and for building an houſe for the uſe of the miniſter of the pariſh of* Saint Mary le Bone, *in the county of* Middleſex.

Cap. 41. For building a bridge over the river *Thames*, near the town of *Maidenhead*, in the county of *Berks*.

Cap. 42. For ſettling and determining what parts of the precinct of the *Savoy*, in the county of *Middleſex*, ſhall be under the ſurvey of the court of exchequer, and what parts thereof under the ſurvey of the duchy of *Lancaſter*.

Cap. 43. For veſting *Ely Houſe*, in *Holbourn*, in his Majeſty, his heirs and ſucceſſors, and for applying the purchaſe-money, with another ſum therein mentioned, in the purchaſing of a freehold piece of ground in *Dover Street*, and in the building and fitting up another houſe thereon, for the future reſidence of the biſhops of *Ely*, and the ſurplus to the benefit of the ſee; and for other purpoſes therein mentioned.

Cap. 44. To enable his Majeſty to grant the reverſion or remainder in fee-ſimple, now veſted in his Majeſty, of and in an annual or fee-farm rent of one hundred and thirteen pounds, one of the ſeveral fee-farm rents granted to the right honourable *Edward*, heretofore earl of *Sandwich*, by his late majeſty King *Charles* the Second, unto the honourable *James Archibald Stewart*, and his heirs, upon a full and adequate conſideration to be given by him, or his heirs, for the ſame.

Cap. 45. For the better regulation of carters, carriages, and loaded horſes; and for removing obſtructions and nuiſances upon the ſtreets and highways within that part of *Great Britain* called *Scotland*.

Cap. 46. For the more effectual preventing of frauds in the revenues of exciſe, with reſpect to tea, ſoap, low wines, and ſpirits.

Cap. 47. To continue an act, made in the fifth year of the reign of his late majeſty King *George* the Second, intituled, *An act to prevent the committing of frauds by bankrupts, and for making proviſion for diſcharging bankrupts, in certain caſes, from their impriſonment.*

Cap. 48. For the more effectual preventing of frauds in the ſtamp duties, upon vellum, parchment, paper, and cards.

Cap. 49. To explain and amend an act, made in the ſeventh year of the reign of his preſent Majeſty, intituled, *An act for altering the ſtamp-duties upon policies of aſſurance; and for reducing the allowance to be made in reſpect of the prompt payment of the ſtamp-duties on licences for retailing beer, ale, and other exciſeable liquors; and for explaining and amending ſeveral acts of parliament relating to*

hackney coaches and chairs; ſo far as the ſame relates to hackney coaches.

Cap. 50. For the encouraging the manufacture of leather, by lowering the duty payable upon the importation of oak bark, when the price of ſuch bark ſhall exceed a certain rate, for a limited time.

Cap. 51. For continuing an act, made in the tenth year of the reign of his preſent Majeſty, to prevent the further ſpreading of the contagious diſorder among the horned cattle in *Great Britain*.

Cap. 52. To enable the lords commiſſioners of his Majeſty's treaſury to order and allow, out of the money ariſing by the coinage duty, a certain ſum therein mentioned, for the expences of proſecuting offenders againſt the laws relating to the coin, in the year one thouſand ſeven hundred and ſeventy, over and above the ſum yearly allowed for that ſervice.

Cap. 53. To enable the lords of the treaſury to diſcharge the executors of lady *Anne Jekyll* from a debt due to his Majeſty, for the uſe of the ſinking-fund, upon payment of the ſame into the exchequer.

Cap. 54. For the more effectually ſecuring a quantity of oak timber for the uſe of the royal navy.

Cap. 55. For preventing frauds and abuſes, in relation to the trade carried on between *Great Britain* and *Ireland*.

Cap. 56. To continue ſeveral laws relating to the allowance upon the exportation of *Britiſh*-made gunpowder; to the giving further encouragement for the importation of naval ſtores from the *Britiſh* colonies in *America*; to the further encouraging the manufacture of *Britiſh* ſail cloth, and to the duties payable on foreign ſail cloth; to the granting a liberty to carry ſugars of the growth, produce, or manufacture of any of his Majeſty's ſugar colonies, directly into foreign parts, in ſhips built in *Great Britain*, and navigated according to law; to the free importation of cattle from *Ireland*; and to the regulating the fees of officers of the cuſtoms, and naval officers in *America*.

Cap. 57. To explain and amend ſo much of an act, made in the ſixth year of the reign of his late Majeſty King *George* the Second, as relates to the eſtabliſhment of lazarets.

Cap. 58. For the further encouragement of the herring fiſhery on the coaſts of the *Iſle of Man*; and for obviating a doubt which has ariſen with reſpect to the allowing the bounties upon the *Britiſh* white herring fiſhery, in the year one thouſand ſeven hundred and ſeventy-one.

Cap. 59. For veſting in his Majeſty certain hereditaments at *Richmond*, in the county of *Surrey*, belonging to *Catherine* viſcounteſs *Fitzwilliam*, and held by leaſe from the crown; and for veſting the freehold and inheritance of certain leaſehold and copyhold hereditaments at *Richmond* aforeſaid in truſtees, and their heirs, in truſt for the ſaid *Catherine* viſcounteſs *Fitzwilliam*, as a part of the compenſation for the ſame, and for other purpoſes therein mentioned.

Cap. 60. For granting a drawback of part of the cuſtoms upon the exportation of tea to *Ireland*, and the *Britiſh* dominions in *America*; for altering the drawback upon foreign ſugars exported from *Great Britain* to *Ireland*; for continuing the bounty on the exportation of *Britiſh*-made cordage; for allowing the importation of rice from the *Britiſh* plantations into the ports of *Briſtol*, *Liverpoole*, *Lancaſter*, and *Whitehaven*, for immediate exportation to foreign parts; and to impower the chief magiſtrate of any corporation to adminiſter the oath, and grant the certificate required by law, upon the removal of certain goods to *London*, which have been ſent into the country for ſale.

Cap. 61. To regulate the making, keeping, and carriage of gunpowder, within *Great Britain*; and to repeal the laws heretofore made for any of thoſe purpoſes.

Cap. 62. To enable the lord biſhop of *Durham*, and his ſucceſſors, to raiſe a competent ſum of money, to be applied for the repairing, improving, or rebuilding ſuch part of *Tyne Bridge* as belongs to the ſee of *Durham*.

Cap. 63. For redeeming one million five hundred thouſand pounds of the capital ſtocks of three pounds *per centum* annuities, in the manner, and on the terms therein mentioned; and for eſtabliſhing a lottery.

Cap. 64. For building two new chapels, and providing burial places thereto, within the town of *Birmingham*, in the county of *Warwick*.

Cap. 65. To extinguiſh the right of common upon an acre of ground called *White Lyon*, or *Hangman's Acre*, in *Saint George's Fields*, in the county of *Surrey*.

Cap. 66. For the more eaſy and ſpeedy recovery of ſmall debts within the borough and foreign of *Kidderminſter*, in the pariſh of *Kidderminſter*, in the county of *Worceſter*.

Cap. 67. For incorporating the members of a ſociety, commonly called *The Marine Society*, and their ſucceſſors, to be elected as therein is mentioned, and for the better impowering and enabling them to carry on their charitable and uſeful deſigns.

Cap. 68. For the better relief and employment of the poor within that part of the pariſh of *Saint Sepulchre*, which is in the county of *Middleſex*; and for paving, cleanſing, lighting, watching, and regulating the ſquares, ſtreets, lanes, alleys, courts, yards, and open paſſages and places, within the ſame; and for removing annoyances therefrom; and for making the communication between *Charter-houſe Square* and *Saint John Street*, through *Charter-houſe Lane*, more convenient.

Cap. 69. For paving, lighting, cleanſing, watering, and watching the ſtreets and other publick places within ſuch part of the pariſh of *Saint Pancras*, in the county of *Middleſex*, as lies on the weſt ſide of *Tottenham-court Road*; and for preventing nuiſances and obſtructions therein; and for obliging the truſtees for the care of the ſaid road to pave, repair, and cleanſe ſuch part of the ſaid road as is therein deſcribed,

Cap. 70. For granting to his Majeſty a certain ſum of money

out of the ſinking fund; and for applying certain monies therein mentioned, for the ſervice of the year one thouſand ſeven hundred and ſeventy-two; and for further appropriating the ſupplies granted in this ſeſſion of parliament; and for making forth duplicates of exchequer bills, lottery tickets, certificates, receipts, annuity orders, and other orders loſt, burnt, or deſtroyed.

Cap. 71. For the repealing ſeveral laws therein mentioned againſt badgers, engroſſers, foreſtallers, and regrators, and for indemnifying perſons againſt proſecutions for offences committed againſt the ſaid acts.

Cap. 72. For rendering the payment of the creditors of inſolvent debtors more equal and expeditious, and for regulating the diligence of the law by arreſtment and poinding, and for extending the privilege of bills to promiſſory notes, and for limiting actions upon bills and promiſſory notes, in that part of *Great Britain* called *Scotland*.

Cap. 73. For the better regulation of buildings and party walls within the cities of *London* and *Weſtminſter*, and the liberties thereof, and other the pariſhes, precincts, and places within the weekly bills of mortality, the pariſhes of *Saint Mary-le-bone* and *Paddington*, *Saint Pancras*, and *Saint Luke* at *Chelſea*, in the county of *Middleſex*; and for the better preventing of miſchiefs by fire within the ſaid cities, liberties, pariſhes, precincts, and places; and for amending and reducing the laws relating thereto into one act; and for other purpoſes.

Cap. 74. To continue and enlarge the term and powers of an act, made in the twenty-ſixth year of the reign of King *George* the Second, for repairing and widening the roads leading from *Lobcombe corner*, in the pariſh of *Winterſlow*, to *Harnham Bridge*, in the county of *Wilts*; and from the weſt corner of *Saint Anne's Street*, in the city of *New Sarum*, to the pariſhes of *Landford* and *Brook*, and from thence to *Ealing*; and from *Landford* aforeſaid, through *Ower* and *Teſtwood*, to *Ealing* aforeſaid, in the county of *Southampton*; and for repairing and widening the road from the *Rumſey* and *Ringwood* turnpike road, near the houſe of *Francis Fry*, to *Lindhurſt*; and from a place called *Hampton Ford*, to *Lamb's Corner*, in the ſaid county of *Southampton*; and for repairing the footways within the ſaid city.

Cap. 75. For making a navigable cut or canal from the river *Dee*, within the liberties of the city of *Cheſter*, to or near *Middlewich* and *Nantwich*, in the county of *Cheſter*.

Cap. 76. For enlarging the term and powers of an act for repairing and widening the road from the city of *Norwich* to *Scole-bridge*, in the county of *Norfolk*.

Cap. 77. To amend an act of the ſixth year of the reign of his preſent Majeſty, "for repairing and widening the ſtone "bridge, in the town of *Shrewſbury*;" and for appropriating part of the tolls collected upon certain roads leading to the ſaid bridge towards finiſhing the ſame; and for granting additional terms to the ſeveral acts for repairing the ſaid roads.

Cap. 78.

Cap. 78. For repairing and widening ſeveral roads from *Aldermaſton*, in the county of *Berks*, to *Baſingſtoke*, and from *Aldermaſton* aforeſaid to the turnpike road from *Baſingſtoke* to *Andover*, at or near *Worting*, and to the turnpike road leading to *Wincheſter* at *Popham Lane*, in the county of *Southampton*.

Cap. 79. For the more effectual aſſeſſing and collecting of the rates for relief of the poor in the pariſh of *Saint Botolph*, *Biſhopſgate*, in the liberties of the city of *London*.

Cap. 80. For continuing the term and altering and enlarging the powers of an act, made in the tenth year of his preſent Majeſty, for repairing and widening the roads from the borough of *Bury Saint Edmunds* to the town of *Newmarket*, in the counties of *Suffolk* and *Cambridge*; and from the ſouth end of the *Ferry-Street*, in *Brandon*, to *Bury Saint Edmunds*, in the ſaid county of *Suffolk*.

Cap. 81. An act to explain and amend an act, made in the twenty-third year of the reign of his late Majeſty King *George* the Second, for improving the navigation of the river *Loyne*, otherwiſe called *Lune*, and for building a quay or wharf near the town of *Lancaſter*, in the county palatine of *Lancaſter*.

Cap. 82. For repairing and widening ſeveral roads leading through the county of *Lanerk*, and for building a bridge over the river *Clyde*, at or near a place called the *Howford*, in the ſaid county.

Cap. 83. To continue and render more effectual an act paſſed in the twenty-ſixth year of the reign of his late Majeſty, for repairing the road from the *North Queen's Ferry*, through the towns of *Inverkeithing* and *Kinroſs*, to the town of *Perth*; and alſo the road from the ſaid *Queen's Ferry* to the towns of *Dumfermline*, *Torrybburn*, and *Culroſs*; and alſo the road from the ſaid *Queen's Ferry*, through *Inverkeithing*, to *Bruntiſland*, and *Kirkcaldie*.

Cap. 84. To continue and render more effectual ſeveral acts for repairing the roads from the pariſh of *Enfield*, in the county of *Middleſex*, to the town of *Hertford*, and other roads in the ſaid acts mentioned; and alſo for repairing the road from the end of the town of *Hertford* to *Amwell End*, near *Ware*, in the ſaid county of *Hertford*.

Cap. 85. For repairing and widening the road from the end of the preſent turnpike road from *Beſſelſleigh* to *Hungerford*, in the county of *Berks*, to *Leckford*, otherwiſe *Souſley Water*, in the county of *Wilts*.

Cap. 86. For enlarging the term and powers of an act, paſſed in the ſecond year of his preſent Majeſty's reign, for repairing, widening, and altering ſeveral roads leading from *Taviſtock* to *Plymouth*, and other places in the county of *Devon*; and for repairing and widening the road from the guildhall in *Taviſtock* aforeſaid, through *Matthew-ſtreet* and *Lower Brook-ſtreet*, to *Cherrybrook*, and to *Dunnabridge Pound*, and from the *Callington* turnpike road to *Morwellham* and *New Quay*, in the ſaid county.

Cap. 87.

Cap. 87. For building a bridge croſs the river *Ure*, from *Great Ouſeborn* to *Aldwork*, in the county of *York*.

Cap. 88. To continue and render more effectual two ſeveral acts for repairing the roads leading from the town of *Mancheſter*, in the county of *Lancaſter*, through the town of *Aſhton under Line*, and pariſh of *Mottram Longdendale*, and from thence to *Salter's Brook*, in the county palatine of *Cheſter*.

Cap. 89. To continue and render more effectual ſeveral acts for repairing the highways between *Dunſtable* and *Hockliffe*, in the county of *Bedford*; and from the ſign of the *White Horſe* to the ſign of the *King's Arms* in *Hockliffe* aforeſaid; and alſo for making proviſion for the more effectual repairing the road leading from the ſign of the *Waggon and Horſes* to the *Bull Inn* in *Dunſtable* aforeſaid.

Cap. 90. For repairing and widening the road from the weſt end of *Saint Ives Lane*, in the town of *Saint Neots*, in the county of *Huntingdon*, to the pavement at the end of *Bell Lane*, in the town of *Cambridge*.

Cap. 91. For repairing and widening the road from the *Warwick* road near *Solihull*, to the guide poſt in *Kenilworth*; and from *Stone Bridge*, to meet the aforeſaid road on *Balſall Common*, in the county of *Warwick*.

Cap. 92. To continue, amend, and render more effectual, an act paſſed in the ſeventh year of the reign of his preſent Majeſty, for repairing the roads from *Tunbridge Wells*, in the county of *Kent*, to *Swift's Den*, in the pariſh of *Etchingham*, and from *Frant* to *Poſſingworth Great Wood*, adjoining to the turnpike road there, leading to *Black Boys*, in the county of *Suſſex*.

Cap. 93. For repairing and widening the road from the *Exeter* turnpike at *Reedy Gate*, in the pariſh of *Dunsford*, in the county of *Devon*, to *Cherrybrook*, in the foreſt of *Dartmoore*, in the ſaid county.

Cap. 94. For enlarging the term and powers of an act, made in the thirtieth year of the reign of his late Majeſty, for repairing and widening ſeveral roads leading to, through, and from the town of *Frome*, in the county of *Somerſet*; and ſeveral other roads in the counties of *Somerſet* and *Wilts*.

Cap. 95. For repairing and amending the road from *Beerſtreet Gates*, in the city of *Norwich*, to *New Buckenham*, in the county of *Norfolk*.

Cap. 96. For repairing, widening, and keeping in repair the road from *Burlton*, in the county of *Salop*, through *Knockin*, to *Llanymynech*, in the ſame county, and from *Knockin* to the eaſt end of the *Llanriadcr* road, and from *Place Carrick Lane* to the turnpike road from *Llanymynech* to *Oſweſtry* near *Coid Iſſa Mountain*, and from *Oſweſtry* turnpike road on *Knockin Heath*, to the eaſt end of *Knockin Lane*.

Cap. 97. For repairing and widening the roads from the confines of the county of *Berwick*, at or near *Banghouſe Walls* to *Compton's Lanes*, and *Eymouth*, and from the town of *Eccles* to *Eymouth*, and from *Whitelaw Muir* to *Compton's Lanes*, in the county of *Berwick*.

Cap. 98. For repairing and widening the road leading from the eaſt end of the bridge acroſs the river *Ouze*, in *Downham Market*, to the *Queen's Head*; and from the *Chequer Inn*, in *Downham Market* aforeſaid, to the eaſt end of the *Two Mile Cloſe*, in the pariſh of *Barton*, and towards *Watton*, to a place called *The Devil's Ditch*, in the county of *Norfolk*; and for ſtopping up the road leading from *Stradſet*, through *Barton Layes*, towards *Watton*.

Cap. 99. For enlarging the term and powers of two acts, made in the twenty-ſixth and twenty-ninth years of the reign of his late majeſty King *George* the Second, for repairing and widening *Old Street Road*, in the pariſhes of *Saint Luke* and *Saint Leonard, Shoreditch*, in the county of *Middleſex*.

Cap. 100. For building a temporary bridge over the river *Tyne*, between the town of *Newcaſtle upon Tyne* and *Gateſhead*, in the county of *Durham*.

Cap. 101. To continue the term, and vary the powers, of ſo much of an act, made in the twenty-firſt year of the reign of his late Majeſty, for repairing the road from *Sutton Coldfield Common*, and ſeveral other roads therein deſcribed, in the county of *Stafford*, as relates to the *Wolverhampton* diſtrict of roads.

Cap. 102. For repealing certain proviſions in two acts of parliament, ſo far as the ſame relate to repairing the highways in the pariſh of *Saint Mary Matſelon*, otherwiſe *Whitechapel*, in the county of *Middleſex*; and for raiſing money for repairing the ſaid highways.

Cap. 103. For the better preſervation of the great bank of the river *Welland*, from *Spalding High Bridge*, through *Cowbit*, *Peakill*, *Crowland*, and *Peakirk*, and for making and keeping in repair a road thereon, and from thence to the village of *Glenton*, in the counties of *Lincoln* and *Northampton*.

Cap. 104. To explain and amend an act of the eleventh year of the reign of his preſent Majeſty, for amending and widening the road from *Beſleiſleigh*, through *Wantage* to *Hungerford*, in the county of *Berks*; and from *Wantage* to *Marlborough*, in the county of *Wilts*; and from the turnpike road between *Reading* and *Wallingford*, through *Halſpenny Lane*, to *The Old Red Houſe* upon *Wantage Downs*, and from thence to *Lambourn*, in the ſaid county of *Berks*.

Cap. 105. For amending, widening, and altering the roads leading from *Crickhowel*, in the county of *Brecon*, to the *Croſs Hands*, beyond *New Inn*, in the turnpike road between the city of *Hereford* and *Roſs*, and from a place called *The Lower Croſs Ways*, in the pariſh of *Saint Maughan's*, to the town of *Groſmount*, in the county of *Monmouth*; and from a ſmith's ſhop at *Stanton*, in the pariſh of *Llanvihangell*, to *Chapel a Fine*, in the ſame county; and from the turnpike road, in the pariſh of *Welſh Newton*, in the county of *Hereford*, to *Ponttanoſt*, in the pariſh of *Cluddock*, in the ſaid county.

Cap. 106. To continue the term, and alter and enlarge the powers of ſo much of two acts, made in the twenty-ſixth and

twenty-ſeventh years of King *George* the Second, for repairing ſeveral roads leading into the city of *Glaſgow*, as relates to that part of the road from the city of *Glaſgow* to the town of *Dumbarton*, which leads through the county to the town of *Dumbarton*.

Cap. 107. For repairing and widening the road from the forty-eight mile-ſtone, in the pariſh of *Cardington*, in the preſent turnpike road between *Hitchin* and *Bedford*, to *Great Barford Bridge*; and for continuing a road from thence to the great northern road, near *Temsford Bridge*, in the county of *Bedford*.

Cap. 108. For repairing and widening the roads from *Sheet Bridge* to *Portſmouth*, and from *Petersfield* to the *Alton* turnpike road, near *Ropley*, in the county of *Southampton*.

Cap. 109. For making and keeping in repair a road or paſſage for horſes, on the banks of the river *Severn*, between *Bewdley Bridge* and a place called *The Meadow Wharf*, at *Coalbrookdale*, for haling and drawing veſſels along the ſaid river; and for other purpoſes therein mentioned.

Cap. 110. For enlarging the terms and powers of two acts, made in the thirteenth year of the reign of King *George* the Firſt, and the twenty-firſt year of the reign of King *George* the Second, for repairing the ſeveral roads leading from *Birmingham*, through the town of *Wedneſbury*, to a place called *High Bullen*, and to *Great Bridge*, and from thence to the end of *Gibbet Lane*, next adjoining to the townſhip of *Bilſon*; and from *Great Bridge*, through *Dudley*, to *King Swinford*; and to the further end of *Brittel Lane*, in the counties of *Warwick*, *Stafford*, and *Worceſter*.

PRIVATE ACTS.

1. AN act for naturalizing *Diederick Meyerhoff*.
2. An act for naturalizing *John Poel*.
3. An act for naturalizing *John Henry Gentil*.
4. An act for naturalizing *Francis Darius Laudumiey*.
5. An act for dividing and incloſing the open common fields, meadows, and waſte grounds, within the manor and pariſh of *North Crawley*, in the county of *Bucks*.
6. An act for dividing and incloſing ſeveral open fields and waſte grounds, within the manor of *Clareton* with *Coneyſtrop*, and a piece of waſte ground, called *Shortſill*, in the manor of *Allerton with Flaxby*, all in the county of *York*.
7. An act to enable *Henry Peyton* eſquire, (lately called *Henry Daſhwood*,) and his iſſue, to uſe the ſurname and arms of *Peyton*, purſuant to the will of ſir *Thomas Peyton*, baronet, deceaſed.
8. An act for naturalizing *Peter Lewis De la Rive*, and *Francis Menet*.
9. An act for naturalizing *James Samuel Jequier*.
10. An act for ſale of a capital freehold meſſuage in *Saint James' Square*, in the county of *Middleſex*, part of the entailed eſtate of the right honourable *Allen* lord *Bathurſt*, unto ſir *Watkin*

kin Williams Wynne, baronet, purſuant to an agreement; and for ſettling an eſtate in the county of *Northampton*, of greater value, in lieu thereof.

11. An act for annulling and making void certain articles of agreement, made previous and in order to the marriage of *George Wilſon* eſquire, and *Anne Sybelle*, his now wife, and the ſettlement made after their marriage, in purſuance of the ſaid articles, in confirmation of a decree and order of the high court of chancery.

12. An act for eſtabliſhing and regulating a charity, called *Foxley Charity*, in the county of *Northampton*, founded by lady *Catharine Leveſon*.

13. An act for incloſing the common fields, break lands, half-year lands, lammas meadows, heaths, commons, and waſte grounds, within the pariſh of *Roudham*, in the county of *Norfolk*.

14. An act for dividing, allotting, and incloſing, the open fields and commonable places, in the pariſh of *Skeffington*, and county of *Leiceſter*.

15. An act for dividing, allotting, and incloſing the common fields, half-year incloſures, and commons, and waſte lands, within the pariſh of *Fincham*, in the county of *Norfolk*.

16. An act for dividing and incloſing the common and waſte grounds within the manor of *Great Ormſide*, in the pariſh of *Ormſide*, in the county of *Weſtmoreland*.

17. An act for dividing and incloſing the commons, and waſte lands and grounds, in the townſhip of *Scaftworth*, in the county of *Nottingham*.

18. An act for dividing and incloſing the common and open fields, and other commonable lands and waſte grounds, within the manor and pariſh of *Woolley*, in the county of *Huntingdon*.

19. An act for allotting, dividing and incloſing, the open and common fields, and common or commonable meadows, paſtures, lands and grounds, and common or waſte land, of and within the manor of *Little Kington*, *Combrooke* and *Brookhampton*, in the county of *Warwick*.

20. An act for dividing and incloſing the ſeveral moors, or commons, called *Rigg Moor* and *Brearton Moor*, within the manor of *Brearton*, in the pariſh of *Knareſborough*, in the county of *York*.

21. An act for dividing and incloſing the open and common fields, common paſtures, common meadows, common grounds, and commonable lands, within the hamlet of *Deſhanger*, in the pariſh of *Paſſenham*, in the county of *Northampton*.

22. An act for dividing and incloſing the common fields, common meadows, common grounds, and commonable places, in the pariſh of *Handborough*, in the county of *Oxford*.

23. An act for dividing and incloſing the open and common fields, common meadows, common paſtures, and other commonable lands and grounds, within the manor and liberties of *Soulbury*, with the hamlet of *Hollindon*, in the county of *Bucks*.

24. An

24. An act for dividing and incloſing the ſeveral commons and waſte grounds, within the manor of *Ruſhton James*, in the pariſh of *Leek*, in the county of *Stafford*.

25. An act for dividing and incloſing certain open common fields, ings, common paſtures, and other commonable lands, within the manor of *Moorby cum Wilkſby*, in the townſhips of *Moorby* and *Wilkſby*, in the county of *Lincoln*.

26. An act for dividing and incloſing the common and waſte grounds, and ſtinted paſture, within the manor of *Sandford*, in the pariſh of *Warcop*, in the county of *Weſtmoreland*.

27. An act for dividing and incloſing the ſeveral commons and waſte grounds, within the liberty of *Buxton*, in the pariſh of *Bakewell*, and county of *Derby*.

28. An act for dividing and incloſing the common fields, within the pariſh of *Manton*, in the county of *Rutland*.

29. An act for dividing and incloſing the open fields, and commonable places, in the pariſh, lordſhip, or liberties, of *Low Toynton*, in the county of *Lincoln*.

30. An act for dividing and incloſing a certain open and common fields and commonable lands in the townſhip, liberties, and precincts, of *Epwell*, in the county of *Oxford*.

31. An act for dividing, incloſing, and allotting, the open common fields, commonable lands, and meadow ground, within the manor and pariſh of *Great Farringdon*, in the county of *Berks*.

32. An act for dividing and incloſing the open and common fields, and other commonable meadows, paſtures, and grounds, within the pariſh of *Cavenham*, in the county of *Suffolk*.

33. An act for dividing and incloſing certain open fields, moors, and common paſtures, in the lordſhip of *Middle Raiſin*, in the county of *Lincoln*.

34. An act for dividing and incloſing ſeveral open fields and waſte grounds, within the townſhip of *Follifoot*, in the county of *York*.

35. An act for dividing and incloſing all the open fields, meadows, common paſtures, and other commonable lands, in the liberties of *Stainby*, in the county of *Lincoln*.

36. An act for dividing and incloſing the open and common fields, and commonable lands, within the pariſh of *Quinton*, in the county of *Glouceſter*.

37. An act for dividing and incloſing the open and common fields, and all other commonable lands, within the precincts of the hamlet of *Throckmorton*, in the county of *Worceſter*.

38. An act for dividing and incloſing the open common arable fields, and the common meadows, paſture grounds, commons, and waſte grounds, within the townſhips of *Pollington*, *Baln*, *Whitley*, and *Whitley Thorpe*, *Great Heck*, and *Little Heck*, in the pariſhes of *Snaith* and *Kellington*, in the county of *York*.

39. An act for dividing and incloſing the open and common fields, in the pariſh of *Hammeringham*, in the county of *Lincoln*.

40. An act for dividing and incloſing all the open fields, mea-

meadows, common paſtures, and other commonable lands, in the liberties of *Stapleford*, in the county of *Leiceſter*.

41. An act for dividing and incloſing the open and common fields, and commonable lands, within the pariſh of *Kemerton*, in the county of *Glouceſter*.

42. An act for dividing and incloſing a moor, called *Carlton Moor*, or *Common*, and an open field, called *the Town Field*, in the manor and townſhip of *Carlton*, in the pariſh of *Guiſely*, in the weſt riding of the county of *York*.

43. An act to diſſolve the marriage of the right honourable *Edward* viſcount *Ligonier* with *Penelope Pitt*; and to enable him to marry again; and for other purpoſes therein mentioned.

44. An act to diſſolve the marriage of ſir *John Colleton*, baronet, with *Ann Fullford*, his now wife; and to enable him to marry again; and for other purpoſes therein mentioned.

45. An act to diſſolve the marriage of *Hugh Lewis* with *Suſannah Hale*, otherwiſe *Heale*, his now wife; and to enable him to marry again; and for other purpoſes therein mentioned.

46. An act to diſſolve the marriage of *Ambroſe Godfrey Hanckwitz*, with *Dorothy Aſhcroft*, his now wife; and to enable him to marry again; and for other purpoſes therein mentioned.

47. An act for making the exemplification of the laſt will and teſtament of *James Macartney* eſquire, deceaſed, evidence in all the courts of law and equity in *Great Britain* and *Ireland*.

48. An act to enable *Mary* and *William Hutton*, and the other perſons therein deſcribed, to take and uſe the ſurname, arms, and creſt, of *Long*, purſuant to the will of *James Long*, deceaſed.

49. An act to enable *Reginald Pole*, eſquire, to take, uſe, and bear, the ſurname and arms of *Carew*, purſuant to the will of ſir *Coventry Carew*, baronet, deceaſed.

50. An act for naturalizing *Arnold Meyer*, *Peter Boetefeur*, *John Gotthelff Rucker*, and *John Adam Guth*.

51. An act for naturalizing *John Luke Iſelin*.

52. An act for naturalizing *Conrad Rucker*.

53. An act for raiſing out of the eſtates, late of *Ann Nugent*, deceaſed, the ſum of 10,000*l*. for the benefit of the right honourable *Robert Craggs*, lord viſcount *Clare*, in the kingdom of *Ireland*, her late huſband; and for raiſing out of the eſtates, late of *Elizabeth Elliot*, deceaſed the like ſum of 10,000*l*. for the benefit of *Edward Elliot* eſquire, in recompence and ſatisfaction to the ſaid *Robert* lord viſcount *Clare* and *Edward Elliot*, for their ſeverally conſenting to give up and relinquiſh certain powers of leaſing for lives, or years determinable on lives, reſerved to them reſpectively, in and by the ſeveral laſt wills of them the ſaid *Ann Nugent* and *Elizabeth Elliot*, and the ſettlements which have been made in purſuance thereof; and for vacating, annulling, and extinguiſhing, the ſaid powers of leaſing; and for other the purpoſes therein expreſſed.

54. An act for granting to *William Jones* eſquire, on certain contingencies therein mentioned, a term for ninety-nine years, if he ſhall ſo long live, in the real eſtates, late of *William Jones* eſquire,

eſquire, deceaſed, in the ſeveral counties of *Wilts* and *Berks*, upon ſuch terms as are therein mentioned.

55. An act for veſting certain lands and tenements, in the county of *Southampton*, late the eſtate of *John Mills* eſquire, deceaſed, in truſtees, to be ſold; and for applying the money ariſing from the ſale thereof towards diſcharging his debts and legacies.

56. An act for veſting the freehold and leaſehold eſtates of *Edward Holden Cruttenden*, eſquire, deceaſed, in the pariſhes of *Putney* and *Roehampton*, in the county of *Surrey*, in truſtees for the purpoſes therein mentioned.

57. An act to amend and enlarge the powers and authorities given to *George Fieſchi Heneage* eſquire, by an act, made in the tenth year of the reign of his preſent Majeſty intituled "An act for dividing and incloſing certain open and common fields and grounds within the pariſh of *Benniworth*, in the county of *Lincoln*," to charge certain lands and hereditaments, parcel of the manor of *Benniworth*, in the county of *Lincoln*, of which he is now ſtrict tenant for life, with a certain ſum of money, for reimburſing to him the expences which he has been at in the incloſing the ſame; and for other purpoſes therein mentioned.

58. An act for dividing and incloſing the open and common fields, commons, and common grounds, within the hamlet of *Barleythorpe*, in the pariſh of *Oakham*, in the county of *Rutland*.

59. An act for dividing and incloſing the common and waſte lands, within the manor and pariſh of *Kingſnorton*, in the county of *Worceſter*.

60. An act for dividing and incloſing ſeveral open fields, meadow, paſture, common, and waſte grounds, within the liberties of *Ockbrook*, in the county of *Derby*.

61. An act for dividing and incloſing certain open fields, lands, and waſte grounds, within the townſhip of *Welton*, in the eaſt riding of the county of *York*.

62. An act for dividing, incloſing, and draining, a certain parcel of land, called or known by the name of *The Cow Paſture*, lying in the ſouth fen, in the pariſh of *Bourn*, in the county of *Lincoln*; and for amending and rendering more effectual an act, made in the ſixth year of his preſent Majeſty's reign, intituled, "An act for allotting, dividing, incloſing, and draining, ſeveral open and common fields, meadows, waſte and fen grounds, within the manor and pariſh of *Bourn*, in the county of *Lincoln*."

63. An act for dividing, and incloſing the ſeveral open fields, lands, and grounds, within the townſhip of *Sigglesthorne*, in *Holderneſs*, in the eaſt riding of the county of *York*.

64. An act for draining the low grounds and carrs, lying in the ſeveral pariſhes, townſhips, and places, of *Keyingham*, *Keyingham Marſh*, *Ryhill*, and *Camerton*, *Burſtwick*, and *Sheckling*, *Burton Pidſea*, and *Ridgmont*, *Ottringham*, *Halſham*, *Owſtwick*, *Rooſs*, *Rimſwell*, *Tunſtall*, *Waxholme*, *Elſtenwick*, *Lelley*, *Humbleton*, *Fitling*, *Hilſton*, *Garton*, *Albrough*, *Flinton*, and *Tanſterne*, within the ſeigniory of *Holderneſs*, and eaſt riding of the county of *York*.

65. An

65. An act for dividing and inclosing such part of the commons and waste lands, in the parish of *Tardebigg* as lies in the county of *Worcester*.

66. An act for allotting, dividing, and inclosing the open and common fields, and common or commonable meadows, pastures, lands, and grounds, and common or waste land, within the parish of *Saint Nicholas*, in the manor of *Warwick*, in the county of *Warwick*.

67. An act for dividing, allotting, and inclosing, the open and common fields, meadows, commonable lands, and commons, within the manor, parish, and liberties of *Bampton* in the county of *Huntingdon*.

68. An act to confirm and establish an indenture of agreement, for dividing and inclosing several fields, lands, and grounds, in the manor and parish of *Great Paunton*, in the county of *Lincoln*; and for dividing and inclosing several other common fields, heath, and waste grounds, in the same manor and parish.

69. An act for dividing and inclosing certain open fields, lands, and grounds, in the township and parish of *Welton*, in the county of *Lincoln*.

70. An act for inclosing the open common fields, and a common of pasture, and other commonable lands and waste grounds, in the manors and parishes of *Kemble* and *Pool*, in the county of *Wilts*.

71. An act for dividing and inclosing certain open fields, lands, and grounds, in the lordship of *West Halton*, in the county of *Lincoln*.

72. An act to dissolve the marriage of *Richard Draper* with *Elizabeth Hartnell*, his now wife; and to enable him to marry again; and for other purposes therein mentioned.

73. An act to dissolve the marriage of *William Skinn* with *Ann Skinn*, his now wife; and to enable him to marry again; and for other purposes therein mentioned.

74. An act for naturalizing *Henry Francis Sellon*.

75. An act for naturalizing *John Bousquet*.

76. An act for naturalizing *John Louis Lautier*.

77. An act for naturalizing *Jaques Louis Pourtalés*.

78. An act for vesting in the most noble *Augustus Henry* duke of *Grafton*, and his heirs, the manor, or reputed manor, and rectory and parsonage appropriate, of *Potterspury*, otherwise *Eastpury*, in the county of *Northampton*, (except the presentation to the advowson of the church there,) and certain messuages, lands, tithes, and hereditaments, situate and arising in the same county, the estate of *Robert Brydges*, esquire, a lunatic; and for vesting in *Thomas Hancox* esquire, and his heirs, a certain wood and wood land, called *Darwell* otherwise *Dowel Wood*, in the county of *Gloucester*, also the estate of the said lunatic, on payment, by the said duke and *Thomas Hancox*, of their respective purchase money, in such manner, and for such purposes, as in the said act is mentioned.

79. An act for vesting the legal estate and interest of and in cer-

certain freehold lands at *Adderbury*, in the county of *Oxford*, now veſted in *Charles Townſhend* eſquire, an infant truſtee, in the moſt noble *Henry* duke of *Buccleugh*, and his heirs, and in certain copyhold lands in *Kenneth Mackenzie* eſquire, and his heirs, in truſt for the ſaid duke, and his heirs.

80. An act to enable the right honourable *John* earl of *Sandwich*, and the honourable *John Montagu*, commonly called lord viſcount *Hinchinbrook*, and the ſurvivor of them, to grant leaſes of the counteſs of *Sandwich's* moiety of eſtates in the counties of *Ardmagh* and *Limerick*, in the kingdom of *Ireland*.

81. An act to impower certain perſons to enfranchiſe ſeveral cuſtomary lands and hereditaments, parcel of the ſeveral manors of *Brampton*, *Farlam*, *Upper Denton*, *Nether Denton*, *Talkin*, *Irthington*, *Laverſdale*, *Newby*, *Aſkerton*, *Warton*, *Wood*, *Troddermain*, *Hayton cum Witton*, *Carlatton Caſtle*, *Carrock*, *Cumrew*, *Blackenthwaite*, and *Newbiggen*, within the barony, or reputed barony of *Gilſland*, in the county of *Cumberland*, late the eſtate of *Henry* earl of *Carliſle*, deceaſed, and ſettled to certain uſes by the will of the ſaid *Henry* earl of *Carliſle*; and for other purpoſes therein mentioned.

82. An act for veſting in ſir *George Colebrooke* baronet, and his heirs, ſo much of the manor or lordſhip of *Stebunheath*, otherwiſe *Stebunhith*, otherwiſe *Stepney*, in the county of *Middleſex*, part of the eſtate of the ſaid ſir *George Colebrooke*, as is limited and ſettled in and by an act of parliament; which paſſed in the ſecond year of the reign of his preſent majeſty King *George* the Third; and for ſettling other lands and hereditaments in lieu thereof; and alſo for veſting other ſettled eſtates of the ſaid ſir *George Colebrooke*, in the counties of *Middleſex* and *Surrey*, in truſtees, for the purpoſes therein mentioned.

83. An act to enable truſtees, with the conſent of the perſons claiming under the will of *Edward Shelley*, eſquire, to cut down and ſell timber, upon the ſettled eſtates of the ſaid *Edward Shelley*, in the county of *Suſſex*; and to inveſt the monies ariſing therefrom in the purchaſe of lands and hereditaments, to be ſettled to the uſes of the ſaid will, and other purpoſes.

84. An act to enable the governors, and aſſiſtants to the ſaid governors, in the rule and government of the ſaid poſſeſſions, revenues, and goods, of the free grammar ſchool of *Elizabeth* queen of *England*, in the town of *Aſheburne*, in the county of *Derby*, in their corporate capacity; and the ſaid governors and aſſiſtants, as truſtees of ſix alm-houſes in *Aſheburne* aforeſaid, founded and endowed by *Chriſtopher Pegg* eſquire, deceaſed; to convey certain lands and poſſeſſions of the ſaid ſchool and almshouſes reſpectively, in the pariſhes of *Wingerworth* and *Aſhover*, in the ſaid county, to *Henry Gladwin*, of *Wingerworth*, in the ſaid county, eſquire, in exchange for other lands, in the pariſh of *Brailsford*, in the ſaid county, of greater value, to be conveyed to, and held by them reſpectively, to the uſes, and upon the truſts, therein mentioned.

85. An act for impowering and enabling the truſtees named in

the ſettlement made on the marriage of *Daniel Danvers* eſquire, and *Mary* his wife, or the ſurvivors or ſurvivor of them, or the heirs of ſuch ſurvivor, to make ſale of certain leaſehold eſtates, veſted in them upon divers truſts, mentioned in the ſaid ſettlement; and to lay out the money ariſing from ſuch ſale in the purchaſe of other eſtates, to be ſettled in ſuch manner as the ſaid leaſehold eſtates ſtand ſettled.

86. An act for veſting a meſſuage, with the appurtenances, in *Lothbury*, within the city of *London*, in truſtees, to be ſold; and for purchaſing another meſſuage, or lands, to be ſettled to the like uſes.

87. An act for veſting the ſettled eſtate of *William Halhed* eſquire, in the county of *Hereford*, in truſtees, in truſt to ſell and convey the ſame to *James King* eſquire, and his heirs, purſuant to an agreement for that purpoſe; and for laying out the money ariſing by ſuch ſale in the purchaſe of other lands and hereditaments, to be ſettled in lieu thereof to the ſame uſes.

88. An act for enabling *Henry Blundell* eſquire, tenant for life under ſettlement, to carry into execution articles of agreement between him and the right honourable the earl of *Sefton*, for the exchange of divers meſſuages, lands, and hereditaments, compriſed in ſuch ſettlement, for other meſſuages, lands, and hereditaments of the ſaid earl; and for other purpoſes therein mentioned.

89. An act to enable the guardians of the infant children of the honourable *Mary Sandys*, deceaſed, to make leaſes of their ſettled eſtates in *England* and *Ireland*, during their reſpective minorities.

90. An act to enable the truſtees of the eſtate of *Henry Smith* eſquire, deceaſed, to apply certain ſums of money to the relief of his poor kindred, and to enable the ſaid truſtees to grant building leaſes of an eſtate, in the pariſhes of *Kenſington*, *Chelſea*, and *Saint Martin in the Fields*, in the county of *Middleſex*.

91. An act to impower *William Hulton* eſquire, to charge his ſettled eſtates in the county of *Lancaſter*, or ſome parts thereof, with one thouſand two hundred pounds, and three thouſand pounds, for the purpoſes therein mentioned; and alſo to grant leaſes of certain parts of his ſaid eſtates.

92. An act for veſting the manors, lands, and tenements, both freehold and leaſehold, compriſed in the marriage ſettlement of *Charles Baldwyn* eſquire, in truſtees to be ſold; and for laying out the money ariſing by ſuch ſale in the purchaſe of other lands and hereditaments, to be ſettled to the ſame uſes which are now ſubſiſting with regard to the ſaid freehold ſettled eſtate.

93. An act for veſting the ſettled eſtates, and unſettled eſtates, of *John Gardner Kemeys* eſquire, in truſtees, in truſt, by ſale, or mortgage, to raiſe money to pay off portions and debts, and redeem annuities charged upon and affecting the ſame; and for re-ſettling the remainder thereof, and the lands to be purchaſed as in the ſaid act is directed, to the uſes to which the ſaid ſettled eſtates do now ſtand ſettled and limited.

94. An act to veſt in the truſtees named in the will of *Francis Baſſet* eſquire, deceaſed, ſuch like powers of leaſing and granting ſetts of, and on, the eſtates compriſed in the ſettlement made upon the marriage of *John Pendarves Baſſet* eſquire, deceaſed, as by the ſaid ſettlement were given to the truſtees therein named.

95. An act for veſting part of the eſtates late of *Elizabeth Pearce*, widow, deceaſed, and *William Hall* eſquire, otherwiſe *Pearce*, her eldeſt ſon, in truſtees, to be ſold, for payment of the portions of her younger children, and other incumbrances; and for ſettling other part of her eſtates to the ſame uſes; and for other purpoſes.

96. An act for making a partition of divers manors, meſſuages, lands, and hereditaments, in the ſeveral counties of *Norfolk*, *Suffolk*, *Eſſex*, *Surrey*, and *Middleſex*, and in the city of *London*; and of four-fifth parts or ſhares of a plantation in the iſland of *Barbadoes*, in the *Weſt Indies*; and of two ſhares in the *New River* water-works; and of an annual rent of one thouſand pounds iſſuing out of the revenues of the poſt office, deviſed by the will of *Thomas Walker* eſquire, deceaſed; and alſo of a manor and divers meſſuages, lands, and hereditaments, in the ſeveral counties of *Suffolk*, *Eſſex*, and *Glouceſter*, compriſed in the ſettlements executed upon the marriage of *Stephen Skynner* eſquire, deceaſed; and alſo of divers meſſuages, lands, and hereditaments, in the ſeveral counties of *Suffolk*, *Eſſex*, and *Surrey*, deviſed by the will of the ſaid *Stephen Skynner*, between the ſeveral perſons intitled to the ſaid eſtates, according to their reſpective intereſts therein.

97. An act for dividing and incloſing the commons and waſte grounds, within the pariſh and manor of *Stoke Prior*, in the county of *Worceſter*.

98. An act for dividing, incloſing, and allotting, the open fields, common paſtures, and other unincloſed grounds, within the townſhip of *Would Newton*, in the eaſt riding of the county of *York*.

99. An act for dividing, allotting, and incloſing the open and common fields, in the pariſh of *Gumley*, in the county of *Leiceſter*.

100. An act for dividing and incloſing the open and common fields, and commonable lands, in the liberties, territories, and precincts, of *Aſtrop*, in the pariſhes of *King Sutton* and *Newbottle*, in the county of *Northampton*.

101. An act for dividing and incloſing the open common fields, commons, and waſte lands, and a ſtinted paſture, called *The Cow Paſture*, in the pariſh of *Ackworth*, in the county of *York*.

102. An act for dividing, allotting, incloſing, and draining the open fields, common paſtures, and moors or commons, in the townſhip and pariſh of *Terrington*, in the north riding of the county of *York*.

103. An act for dividing and incloſing the open and common fields, common paſtures, common meadows, and common and waſte

waſte grounds, within the manor and pariſh of *Heath*, otherwiſe *Hethe*, in the county of *Oxford*, and for exonerating certain lands belonging to *William Fermor* eſquire, from tithes and right of common.

104. An act for dividing and incloſing the common fields and commonable lands, within the pariſh of *Shilton*, in the county of *Warwick*.

105. An act for dividing and incloſing the open common fields, meadow grounds, and other commonable lands, within the pariſh of *Thorpe Achurch*, in the county of *Northampton*.

106. An act for dividing and incloſing the common and open fields, meadows, commonable lands, and waſte grounds, in *Aldwinckle*, in the county of *Northampton*.

107. An act for dividing and incloſing ſeveral open and common fields, common meadows, grounds, common paſtures, and other commonable places, in the townſhip of *Blockley*, and hamlets of *Draycot* and *Paxford*, in the pariſh of *Blockley*, and county of *Worceſter*.

108. An act for dividing and incloſing the open and common fields, downs, and commonable lands, within the manor and pariſh of *Eaſtleach Tourville*, in the county of *Glouceſter*.

109. An act for dividing and incloſing the open and common fields, meadows, and other commonable lands and waſte grounds, within the pariſh and manor of *King's Ripton*, in the county of *Huntingdon*.

110. An act for dividing allotting, and incloſing, the open and common fields, meadows, lands, and waſte grounds, of, within, and belonging to the manor, pariſh, and liberties of *Wing*, in the county of *Rutland*.

111. An act for dividing and incloſing the common fen, and certain other commonable places and open fields, within the pariſh of *Kirton*, in the parts of *Holland*, in the county of *Lincoln*.

112. An act for dividing and incloſing the common fen, open fields, and certain other commonable places, belonging to, and in the pariſh of *Wigtoft*, in the county of *Lincoln*.

113. An act for dividing and incloſing the common fen, common marſh, and other commonable places, within the pariſh of *Sutterton*, in the county of *Lincoln*.

114. An act for dividing and incloſing a certain moor or common, called *Hamſteels Moor*, within the pariſh and manor of *Lanchеſter*, in the county palatine of *Durham*.

115. An act for dividing and incloſing the open fields, meadows, common paſtures, and waſte grounds, in the pariſh of *Laneham*, in the county of *Nottingham*.

116. An act to diſſolve the marriage of *George Collier* eſquire, with *Chriſtiana Gwyn* his now wife; and to enable him to marry again; and for other purpoſes therein mentioned.

117. An act for naturalizing *Frederick Cazenove*.

118. An act for naturalizing *Paul Pourtalés* and *Francis Gabriel*, *Charles Muller*.

119. An act to enable the moſt noble *William* duke of *Devonſhire*

Sire to grant reverſionary leaſes of his leaſehold eſtate, in the pariſh of *Saint James*, *Weſtminſter*, in the county of *Middleſex*.

120. An act for diſcharging divers manors, rectories, advowſons, meſſuages, lands, tythes, rents, and hereditaments, part of the eſtate of the right honourable *John* earl *Spencer*, compriſed in, and ſettled by the laſt will and teſtament, and codicil thereto, of the moſt noble *Sarah* late ducheſs dowager of *Marlborough*, deceaſed, and by certain conveyances executed in purſuance thereof, from the uſes and truſts declared by the ſaid will, codicil, and conveyances; and for ſettling other manors, rectories, advowſons, meſſuages, lands, tenements, tythes, and hereditaments, of greater value, in lieu thereof, to the like uſes.

121. An act for veſting the manor of *Eaſt Lavant*, and divers meſſuages and lands, with the appurtenances, in the county of *Suſſex*, intailed by the will of the right honourable *Mary* late counteſs dowager of *Derby*, deceaſed, in truſtees, to be ſold; and for purchaſing other lands and hereditaments, to be ſettled to the like uſes.

122. An act to veſt in truſtees, to be ſold, certain eſtates, in the counties of *York*, *Weſtmoreland*, and *Lancaſter*, which belonged to *Ann Fenwick*, widow, before her intermarriage; and for the relief of the ſaid *Ann Fenwick*, in ſuch manner as in the ſaid act is mentioned.

123. An act for veſting certain freehold and copyhold hereditaments in *Weeting*, in the county of *Norfolk*, part of the ſettled eſtate of *Philip Champion Creſpigny* eſquire, in truſtees, to be ſold; and for laying out the money to ariſe by ſale thereof in the purchaſe of other lands, and hereditaments, to be ſettled to the ſame uſes as ſaid premiſes in *Weeting* now ſtand limited.

124. An act for veſting certain eſtates, belonging to the drapers company of the city of *London*, in the governor and company of the bank of *England*, freed and diſcharged from certain charities, to which the ſame are ſubject; and for veſting other eſtates, belonging to the ſaid governor and company of the bank, in the ſaid company of drapers, ſubject to the before-mentioned charities.

125. An act to veſt in *Walter Lloyd* eſquire, and others, a ſmall quantity of ground, parcel of the glebe of the rectory of *Manerdivy*, in the county of *Pembroke*, in conſideration of a certain yearly rent thereby ſecured, and for other purpoſes therein mentioned.

126. An act for the ſale of certain meſſuages, tenements, lands, hereditaments, and premiſes, in the pariſh of *Saint George the Martyr*, and borough of *Southwark*, in the county of *Surrey*, part of the ſettled eſtate of *John Bullock* eſquire, and *Elizabeth* his wife, and for laying out the money ariſing by ſale thereof in the purchaſe of other eſtates, to be ſettled to the ſame uſes.

127. An act to enable *John Rolle* eſquire, and *Judith Maria Walrond*, ſpinſter, to make ſettlements on the marriage intended between them, notwithſtanding their reſpective minorities.

128. An act for veſting the ſettled eſtates of *Humphry Minchin* eſquire, in the county of *Tipperary*, in the kingdom of *Ireland*, in

in truſtees, to ſell the ſame; and for laying out the money ariſing thereby in the purchaſe of other eſtates, in that part of *Great Britain* called *England*, or in the principality of *Wales*, to be ſettled to the ſame uſes.

129. An act for veſting in truſtees certain eſtates, ſituate in the counties of *Kent* and *Surrey*, upon truſt, to ſell and diſpoſe of the ſame, and inveſt the monies ariſing thereby in the purchaſe of other eſtates, to be ſettled to ſuch of the uſes, of the will of *William Wad*, deceaſed, as are now ſubſiſting.

130. An act for ſale of one undivided fourth-part of the lands of *Innerleith*, lying in the county of *Edinburgh*, and of one undivided fourth part of the lands of *Darncheſter*, in the county of *Berwick*, being parts of the entailed eſtate of colonel *James Catchcart*, deceaſed; and for purchaſing other lands, and eſtates, to be ſettled, in lieu thereof, upon the ſame perſons, and to the like uſes and purpoſes.

131. An act for giving further powers to the truſtees named in a certain act of parliament, made in the ninth year of the reign of his preſent Majeſty, intituled, "An act to impower the "truſtees of the will of the late general *Pulteney*, and other truſ-"tees appointed by this act, to purchaſe and exchange lands "and grounds, in the manor of *Bathwick*, in the county of "*Somerſet*, for the purpoſe of making certain roads and ways to "and from a free bridge by them intended to be built over the "river *Avon*, in the ſaid county; and alſo to impower the per-"ſons in poſſeſſion of the ſaid eſtate, for the time being, under "the ſaid will, to grant leaſes of certain lands and houſes in the "ſaid manor; and likewiſe to enable the ſaid truſtees to grant "certain grounds and ſprings of water, within the ſaid manor "of *Bathwick*, to the mayor, aldermen, and citizens of *Bath*; "and for extending the juriſdiction of the ſaid mayor, alder-"men, and citizens, over part of the ſaid manor of *Bathwick*; "and for other purpoſes therein mentioned;" and for enlarging the powers of leaſing given by the ſaid act to the perſons therein named; and for other purpoſes.

132. An act for reinveſting divers manors, meſſuages, lands, tenements, and hereditaments, ſituate and being in the county of *Stafford*, late the eſtate of *Robert Barbor*, deceaſed, in the ſeveral perſons now in being, and for ſuch eſtates, as they are ſeverally intitled under the will of the ſaid *Robert Barbor*; and for enabling *James Mayo* and *Charles Mayo* to join in ſuch conveyances as ſhall be neceſſary for thoſe purpoſes.

133. An act to impower *James Batſon* and *Edward Buckley Batſon* eſquires, teſtamentary guardians of the perſon and eſtate of *Edward Pery Buckley*, an infant, to grant leaſes of the eſtate of *Pery Buckley* eſquire, deceaſed.

134. An act for veſting a meſſuage, called *Highfield Houſe*, and divers lands, with the appurtenances, in the county of *Glouceſter*, the ſettled eſtates of *Benjamin Jaſon Parrott* eſquire, in truſtees, to be ſold and conveyed as therein mentioned; and for laying out the money ariſing by ſuch ſale in the purchaſe of other lands and hereditaments, to be ſettled to the like uſes.

135 An

135. An act for veſting divers freehold, copyhold, and leaſehold eſtates, late of *Edmund Bunting*, *Elizabeth Bunting*, and *Tomlinſon Bunting*, deceaſed, in truſtees, to be ſold, to raiſe money, to be applied, under the direction of the court of chancery, in payment of the debts, incumbrances, and legacies, charged upon, and affecting the ſame, and other the purpoſes therein mentioned.

136. An act for dividing and incloſing certain commons and waſte grounds, within the manor of *Appleby*, in the county of *Weſtmoreland*.

137. An act for incloſing, dividing, allotting, and improving, certain common woods and moor lands within the borough and pariſh of *Wigmore*, in the county of *Hereford*.

138. An act for dividing and incloſing certain open parcels of arable and paſture grounds, in the manor of *Much Wenlock*, otherwiſe *Wenlock Magna*, otherwiſe *Great Wenlock*, in the county of *Salop*.

139. An act for dividing and incloſing the open and common fields, common meadows, common paſtures, common grounds, heath, and waſte grounds, in the pariſh of *Moulton*, in the county of *Northampton*.

140. An act for dividing and allotting the common fields, common meadows, downs, and commonable lands, in the ſeveral pariſhes of *Letcomb Baſſet*, otherwiſe *Upper Letcomb*, and *Childrey*, in the county of *Berks*.

141. An act for dividing and incloſing the common and waſte grounds, and open and common fields, within the townſhips or hamlets of *Great* and *Little Stainton Newbiggin*, and *Great Blencow*, in the barony of *Greyſtock*, in the county of *Cumberland*.

142. An act for dividing and incloſing the open and common fields, common paſtures, common meadows, and commonable lands, of and within the hamlet and liberties of *Charlton*, in the pariſhes of *Newbottle* and *King's Sutton*, or one of them, in the county of *Northampton*.

143. An act for dividing and incloſing certain commons, or moors, within the townſhip of *Royſton*, in the county of *York*.

144. An act for veſting in *William Ruſſel*, and his heirs, in fee ſimple, ſeveral meſſuages, lands, and hereditaments, in the county of *Worceſter*, compriſed in his marriage ſettlement, diſcharged from the uſes of the ſaid ſettlement; and for ſettling other meſſuages, lands, and hereditaments, of the ſaid *William Ruſſel*, in the county of *Warwick*, of greater value, in lieu thereof; and for other the purpoſes therein mentioned.

145. An act for inrolling in the court of chancery in *Great Britain* an exemplification of the will of *Chriſtopher Robinſon* late of the colony of *Virginia*, in *America*, deceaſed, to be made under the provincial ſeal of the ſaid colony; and for making copies of ſuch inrolment evidence in *Great Britain*, for enfranchiſing certain copyhold eſtates, late the property of the ſaid *Chriſtopher Robinſon*, in the county of *York*; and for making ſatisfaction to the prebendary of *Dunington* for the ſame; and for other purpoſes.

THE

STATUTES at Large, &c.

Anno regni GEORGII III. *Regis, Magnæ Britanniæ, Franciæ, & Hiberniæ, undecimo.*

AT *the parliament begun and holden at* Weſtminſter, *the tenth day of* May, *Anno Dom.* 1768, *in the eighth year of the reign of our ſovereign lord* GEORGE *the Third, by the grace of God, of* Great Britain, France, *and* Ireland, *King, defender of the faith, &c. And from thence continued by ſeveral prorogations to the thirteenth day of* November, 1770; *being the fourth ſeſſion of the thirteenth parliament of* Great Britain.

CAP. I.

An act to continue the prohibition of the exportation of corn, grain, meal, flour, bread, biſcuit, and ſtarch; and alſo of the extraction of low wines and ſpirits from wheat and wheat flour, for a further time; and alſo to prohibit the exportation of malt for a limited time.

WHEREAS *it is expedient that the exportation of any ſort of corn, grain, meal, malt, flour, bread, biſcuit, and ſtarch, out of the kingdoms of* Great Britain *or* Ireland, *ſhould be prohibited for a further time*; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the paſſing of this act, no perſon or perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from the ſaid kingdoms of *Great Britain* or *Ireland*; or load or lay on board, or cauſe or procure to be laden or laid on board, in any ſhip or other veſſel, or boat, in order to be exported or carried out of the ſaid kingdoms of *Great Britain* or *Ireland*, any ſort of corn, grain, meal, malt, flour, bread, biſcuit, or ſtarch, under the penalties and forfeitures herein after men-

Preamble.

No perſon ſhall export, &c. any of the commodities here mentioned, from Great Britain or Ireland

on forfeiture of the ſame;

and 20s. *per* buſhel for all corn, grain, malt, meal, or flour; and 12d *per* lb. for all bread, biſcuit, or ſtarch;

and alſo of the veſſel, &c.

mentioned; that is to ſay, That all the ſaid commodities that ſhall be ſo exported, ſhipped, or laid on board, or loaded to be exported, ſhipped, or carried out, contrary to this act, ſhall be forfeited; and that every offender or offenders therein ſhall forfeit the ſum of twenty ſhillings for every buſhel of corn, grain, malt, meal, or flour; and twelve pence for every pound weight of bread, biſcuit, or ſtarch; and ſo in proportion for any greater or leſs quantity which ſhall be ſo exported, ſhipped, or put on board to be exported; and alſo the ſhip, boat, or veſſel, upon which any of the ſaid commodities ſhall be exported, ſhipped, or laden to be exported, and all her guns, tackle, apparel, and furniture, ſhall be forfeited; and one moiety of all the ſaid penalties and forfeitures ſhall be to the King's majeſty, his heirs and ſucceſſors, and the other moiety to him or them that will ſue for the ſame; and for offences which ſhall be committed in that part of *Great Britain* called *England*, ſuch penalties and forfeitures ſhall be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or before the juſtices of aſſize, or at the great ſeſſions in *Wales*, or by information, at any general quarter ſeſſions of the peace for the county, city, riding, diviſion, or place, where the offence ſhall be committed; and in ſuch ſuit no eſſoin, protection, privilege, or wager of law, ſhall be allowed; and for offences which ſhall be committed in that part of *Great Britain* called *Scotland*, by action or ſummary bill, or information, in the courts of ſeſſions or exchequer in *Scotland*; and for offences which ſhall be committed in *Ireland*, in his Majeſty's courts of record in *Dublin*, or at the general quarter ſeſſions of the peace for the county, city, or place, where the offence ſhall be committed; and that the maſter and mariners of any ſuch ſhip, boat, or veſſel, wherein any ſuch offence ſhall be committed, knowing ſuch offence, and wittingly and willingly aiding and aſſiſting thereunto, and being thereof duly convicted in any ſuch courts as aforeſaid, ſhall be impriſoned for the ſpace of three months without bail or mainprize.

In what courts the ſaid penalties to be ſued for and recovered.

Maſter and mariners of any ſuch veſſel aſſiſting, liable to three months impriſonment.

Officers and other perſons authoriſed,

may ſeize any of the ſaid commodities ſhipped, &c. contrary to the intent of this act;

together with the veſſel.

The goods to be lodged in the King's warehouſes.

II. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, being an officer or officers of the cuſtoms, or being lawfully authoriſed in this behalf by the lord high treaſurer of *Great Britain*, or the commiſſioners of the treaſury for the time being, or any three or more of them, to take and ſeize all ſuch of the ſaid commodities, not allowed to be exported by this act, as he or they ſhall happen to find, know, or diſcover, to be laid on board any ſhip, or other veſſel, or boat, at ſea, or in any port, or in any navigable river or water, to the intent or purpoſe to be exported, tranſported, or conveyed, out of *Great Britain* or *Ireland*, contrary to the true intent of this act; and alſo the ſhip, veſſel, or boat, in which the ſame ſhall be found; and to bring the ſaid goods to the King's warehouſe or warehouſes belonging to the cuſtomhouſe next to the place where ſuch ſeizures ſhall be made, or to ſome other ſafe place (where there are no ſuch warehouſes)

in

in order to be proceeded againſt according to law; and in caſe of recovery, to be divided in manner as aforeſaid.

Prohibition not to extend to ſo much of the ſaid commodities, as ſhall be neceſſary for the uſe of veſſels in their voyages;

III. Provided always, That this act, or any thing herein contained, ſhall not extend to prohibit the exportation of ſuch or ſo much of the ſaid commodities, as ſhall be neceſſary to be carried in any ſhip or ſhips, or other veſſel or veſſels, in their reſpective voyages, for the ſuſtenance, diet, and ſupport of the commanders, maſters, mariners, paſſengers, or others, in the ſame ſhips or veſſels only; or for the victualling or providing any of his Majeſty's ſhips of war, or other ſhips or veſſels in his Majeſty's ſervice, or for his Majeſty's forces, forts, or garriſons; any thing herein contained to the contrary notwithſtanding.

or for his Majeſty's ſhips of war, &c.

Forces or garriſons;

IV. Provided alſo, That this act, or any thing herein contained, ſhall not extend to prohibit any perſon or perſons to ſhip or put on board any of the commodities aforeſaid, to be carried coaſtwiſe; (that is to ſay,) from any port, creek, or member of the kingdoms of *Great Britain* or *Ireland*, to any other port, creek, or member of the ſame reſpectively, having ſuch or the like coaſt cocquet, or ſufferance for that purpoſe, and ſuch of the like ſufficient ſecurity being firſt given for the landing and diſcharging the ſame in ſome other port, member, or creek, of the ſaid kingdoms, and returning a certificate in ſix months, as is required by law in caſes where goods, which are liable to pay duties on exportation, are carried coaſtwiſe from one port of *Great Britain* to another, and not otherwiſe.

nor to ſuch as ſhall be carried coaſtwiſe;

Security being firſt given for the due landing thereof;

V. Provided alſo, That this act, or any thing herein contained, ſhall not extend to any of the ſaid commodities which ſhall be exported, or ſhipped to be exported, out of or from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*; or from *Great Britain* or *Ireland* to *Gibraltar* or *Minorca*, or unto any of his Majeſty's iſlands or colonies in *America*, that have uſually been ſupplied with any of the ſaid commodities from *Great Britain* or *Ireland*, for the ſuſtentation of the inhabitants of the ſaid iſlands, colonies, or dominions; or for the benefit of the *Britiſh* fiſhery in thoſe parts only; ſo as the exporter do, before the ſhipping or laying on board the ſame, declare the iſland, colony, or dominion, iſlands, colonies, or dominions, for which the ſaid commodities are reſpectively deſigned, and do become bound with other ſufficient ſecurity in treble the value thereof, to the commiſſioners or chief officer or officers of his Majeſty's cuſtoms belonging to the port or place where the ſame ſhall be ſhipped or put on board (who hath or have hereby power to take ſuch ſecurity in his Majeſty's name, and to his Majeſty's uſe) that ſuch commodities ſhall not be landed or ſold in any parts whatſoever, other than the kingdoms, dominions, iſlands, or colonies, for which the ſame ſhall be ſo declared; and that a certificate under the hand and ſeal of the collector, comptroller, or other chief officer of the cuſtoms, or if no ſuch, of the naval officer, or ſome other principal officer of the port where the ſame ſhall be landed, ſhall, within the reſpective times herein after for that purpoſe mentioned (the danger of the ſeas excepted) be returned

nor to ſuch as ſhall be exported from Great Britain to Ireland; or from Ireland to Great Britain; or to Gibraltar, Minorca, or Britiſh colonies in America; or for the Britiſh fiſhery there;

the exporter giving ſecurity for the due landing, &c.

and returning a certificate.

turned to the officers who took the ſaid bonds, that the ſaid commodities have been landed at the port or place for which the ſame ſhall be ſo declared; and for the taking of ſuch ſecurity, and for giving ſuch certificates (which the reſpective officers aforeſaid are hereby on demand required to give) no fee or reward ſhall be demanded or received; and if any officer ſhall make any falſe certificate of any ſuch commodities being ſo landed, ſuch officer ſhall forfeit the ſum of two hundred pounds, and loſe his employment, and be incapable of ſerving his Majeſty, his heirs, or ſucceſſors, in any office relating to the cuſtoms: and if any perſon ſhall counterfeit, raſe, or falſify, any ſuch certificate, or knowingly publiſh any ſuch counterfeit, raſed, or falſe certificate, he ſhall forfeit the ſum of two hundred pounds, and ſuch certificate ſhall be void and of no effect; which ſaid penalties for offences committed in *Great Britain* or *Ireland*, ſhall be recovered in the ſame courts, and in the ſame manner, as the other penalties inflicted by this act are recoverable; and for offences committed in the colonies or plantations in *America*, or other the dominions belonging to the crown of *Great Britain* in *Europe*, ſhall be recovered in the high court of admiralty, or in any chief court of civil or criminal juriſdiction, in ſuch reſpective colonies, plantations, or dominions; and ſhall be divided into equal moieties between his Majeſty and the informer; and the ſaid bond or bonds, if not proſecuted within three years, ſhall be void.

Officer making a falſe certificate, forfeits 200l. and is incapacitated.

Other perſon counterfeiting, &c. any certificate, forfeits 200l. &c.

Penalties in what courts to be recovered.

Application.

Bonds to be proſecuted within 3 years.

VI. Provided alſo, That nothing herein contained ſhall extend to prohibit the exportation of beans to the *Britiſh* forts, caſtles, and factories in *Africa*. or for the uſe of the ſhips trading upon that coaſt, that uſually have been ſupplied with the ſame, from *Great Britain* or *Ireland*; ſo as the like ſecurity be given for the exporting thereof, as is required by this act to be given by perſons carrying any of the ſaid commodities to the *Britiſh* colonies in *America*.

Prohibition not to extend to beans exported to the Britiſh forts, &c. in Africa, &c.

VII. Provided alſo, That nothing herein contained ſhall extend to prohibit the united company of merchants of *England* trading to the *Eaſt Indies*, from exporting any of the ſaid commodities to any of their forts, factories, or ſettlements, for the ſupport of the perſons reſiding there; ſo as the like ſecurity be given for exporting thereof, as is required by this act to be given by perſons carrying any of the ſaid commodities to the *Britiſh* colonies in *America*.

nor to any of the ſaid commodities exported by the Eaſt India company to their forts, &c.

VIII. Provided alſo, That this act, or any thing herein contained, ſhall not extend to any wheat, flour, malt, barley, bread, biſcuit, or peaſe, to be tranſported out of, or from, the port of *Southampton* only, unto the iſlands of *Jerſey*, *Guernſey*, and *Alderney*, or any of them, for the only uſe of the inhabitants of thoſe iſlands; ſo as the exporter before the lading of ſuch commodities, or laying the ſame on board, do become bound with other ſufficient ſecurity in treble the value thereof, which the cuſtomer or comptroller of the ſame port hath hereby power to take in his Majeſty's name, and to his Majeſty's uſe, and for

nor to wheat, flour, malt, barley, bread, biſcuit, or peaſe, from Southampton to Jerſey, Guernſey, and Alderney, &c.

which ſecurity no fee or reward ſhall be given or taken, that ſuch commodities ſhall be landed in the ſaid iſlands of *Jerſey*, *Guernſey*, and *Alderney*, or one of them (the danger of the ſeas only excepted) for the uſe of the inhabitants there, and ſhall not be landed or ſold in any other parts whatſoever, and to return the like certificates of the landing the ſame there, as are herein required on the exportation of the ſaid commodities to the *Britiſh* colonies in *America*, and within the time for that purpoſe herein mentioned; and ſo as the quantity of wheat, flour, malt, barley, bread, biſcuit, and peaſe, which at any time or times, during the continuance of this act, ſhall be ſhipped at the ſaid port for the ſaid iſlands, or either of them as aforeſaid, doth not exceed in the whole five thouſand quarters; any thing herein contained to the contrary notwithſtanding.

for the uſe of the inhabitants only, &c.

ſo as the quantity exceed not 5000 quarters in the whole;

IX. Provided alſo, That this act ſhall not extend to any wheat, barley, oats, meal, or flour, to be tranſported out of or from the ports of *Whitehaven* or *Liverpoole* only, into the *Iſle of Man*, for the only uſe of the inhabitants of that iſland; ſo as the exporter, before the lading of ſuch wheat, barley, oats, meal, or flour, or laying the ſame on board, do become bound, with other ſufficient ſecurity, in treble the value thereof (which the cuſtomer or comptroller of either of the ſaid ports reſpectively hath hereby power to take in his Majeſty's name, and to his Majeſty's uſe) for which ſecurity no fee or reward ſhall be given or taken, that ſuch wheat, barley, oats, meal or flour, ſhall be landed in the ſaid *Iſle of Man* (the danger of the ſeas only excepted) for the uſe of the inhabitants there, and ſhall not be landed or ſold in any other parts whatſoever; and to return the like certificates of the landing the ſame there, as are by this act required on the exportation of the ſaid commodities to the *Britiſh* colonies in *America*, and within the time for that purpoſe herein mentioned; and ſo as the whole quantity of wheat, barley, oats, meal, and flour, which, at any time or times during the continuance of this act, ſhall be ſhipped at both the ſaid ports for the ſaid *Iſle of Man*, ſhall not exceed in the whole two thouſand five hundred quarters; one moiety thereof to be exported from the ſaid port of *Whitehaven*, and the other moiety thereof to be exported from the ſaid port of *Liverpoole*; any thing herein contained to the contrary notwithſtanding.

nor to wheat, barley, oats, meal, or flour, from Whitehaven or Liverpoole to the Iſle of Man, for the uſe of the inhabitants only, &c.

ſo as the quantity exceed not 2500 quarters in the whole; one moiety to be ſhipt from Whitehaven, and the other moiety from Liverpoole;

X. Provided alſo, That nothing in this act contained ſhall extend to prohibit the committee of merchants trading to *Africa*, from exporting, during the continuance of this act, any quantity of wheat flour, not exceeding two hundred quarters; or any quantity of bread or biſcuit, not exceeding fifteen tons in the whole of ſuch bread or biſcuit, or of ſuch bread and biſcuit together, to the *Britiſh* forts, caſtles, and factories in *Africa*, for the ſupport of the perſons reſiding there; ſo as the like ſecurity be given for the exporting thereof, as is herein required to be given by perſons carrying the ſaid commodities to the *Britiſh* colonies in *America*.

nor to wheat flour, not exceeding 200 quarters; nor to bread or biſcuit, not exceeding 15 tons; ſent by the committee of Africa merchants to their forts, &c. in Africa.

Commiſſioners of the cuſtoms to return an account to parliament of all the corn and other commodities ſo exported.

XI. And be it further enacted by the authority aforeſaid, That the commiſſioners of the cuſtoms for the time being ſhall, and they are hereby required, to give a full and true account in writing, to both houſes of parliament, at the beginning of the next ſeſſion thereof, of all corn, grain, meal, malt, flour, bread, biſcuit, and ſtarch, that ſhall before that time be exported to any place whatſoever, by virtue or in purſuance of any of the liberties or powers hereby given or granted for that purpoſe.

Times limited for returning certificates, where bonds are taken.

XII. And be it further enacted by the authority aforeſaid, That all certificates of the landing and diſcharging of the ſaid commodities to be exported, other than coaſtwiſe, ſhall be returned within the reſpective times following; that is to ſay, where the bonds are taken in reſpect of any of the ſaid commodities to be exported from *Great Britain* or *Ireland*, to any of the ſaid colonies or plantations in *America*, within eighteen calendar months after the date of ſuch bonds; and where to *Gibraltar* or *Minorca*, within twelve calendar months after the date of ſuch bonds; and where to the iſlands of *Guernſey*, *Jerſey*, *Alderney*, or *Man*, within ſix calendar months after the date of ſuch bonds; and where from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, within ſix calendar months after the date of ſuch bonds reſpectively.

No drawback or bounty to be paid on any of the commodities ſo exported.

XIII. Provided always, and be it enacted by the authority aforeſaid, That no corn, grain, meal, malt, flour, bread, biſcuit, or ſtarch, which ſhall be exported by virtue of this act, ſhall be intitled to any of the bounties or drawbacks which are allowed and made payable on the exportation of ſuch commodities, or any of them.

Prohibition not to extend to rice.

XIV. Provided always, and be it enacted, That nothing herein contained ſhall extend to prohibit the exportation of rice out of this kingdom.

The extraction of low wines or ſpirits from wheat or wheat flour prohibited.

XV. *And whereas it is expedient that the extraction of low wines, or ſpirits from wheat or wheat flour, ſhould be prohibited for a further time*; be it therefore further enacted by the authority aforeſaid, That from and after the paſſing of this act, no low wines or ſpirits whatſoever ſhall be made, extracted, or diſtilled, within this kingdom, from any wheat or wheat flour: and if any diſtiller or maker of low wines or ſpirits, or any other perſon or perſons whatſoever, ſhall make, extract, or diſtil, or cauſe or procure to be made, extracted, or diſtilled, any low wines or ſpirits from any wheat or wheat flour, or ſhall uſe or mix, or cauſe or procure to be uſed or mixed, any wheat or wheat flour in any worts or waſh, in order for the making, extracting, or diſtilling, low wines or ſpirits, or ſhall put or lay, or cauſe or procure to be put or laid, in any tun, waſh-batch, caſk, copper, ſtill, or other veſſel or utenſil, any wheat or wheat flour for the purpoſe of preparing any worts or waſh, or for making, extracting, or diſtilling, low wines or ſpirits, whether ſuch tun, waſh-batch, caſk, copper, ſtill, or other veſſel or utenſil, hath or hath not been duly entered at the exciſe office; that then, and in each and every of the ſaid caſes, ſuch diſtiller or maker of low wines

wines or ſpirits, or other perſon or perſons acting contrary to the directions of this act, or the perſon or perſons in whoſe cuſtody or poſſeſſion any ſuch tun, waſh batch, caſk, copper, ſtill, other veſſel or utenſil, which ſhall be made uſe of contrary to the intention of this act, ſhall be found, ſhall reſpectively, for every ſuch offence, forfeit and pay the ſum of two hundred pounds, and all ſuch wheat or wheat flour, and ſuch worts and waſh, low wines and ſpirits, ſhall be alſo forfeited.

under penalty of 200 l. and on forfeiture of all the ſaid commodities.

XVI. And be it further enacted by the authority aforeſaid, That if any wheat or wheat flour ſhall be found in any workhouſe, ſtillhouſe, ſtorehouſe, warehouſe, or any other place wherein low wines or ſpirits, or worts or waſh, ſhall be made, extracted, diſtilled, or prepared, or where any low wines or ſpirits, or worts or waſh, ſhall have been made, extracted, diſtilled, or prepared, ſince the firſt day of *October*, one thouſand ſeven hundred and ſeventy, all ſuch wheat and wheat flour ſhall be forfeited; and the perſon or perſons in whoſe poſſeſſion ſuch workhouſe, ſtillhouſe, ſtorehouſe, warehouſe, or place, ſhall be, ſhall, for every offence reſpectively, alſo forfeit and pay the ſum of one hundred pounds.

Wheat and wheat flour found in any place where low wines and ſpirits are extracted, &c. are forfeited;

and alſo 100 l. by the perſon in whoſe poſſeſſion found.

XVII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons who ſhall be authoriſed for that purpoſe by the commiſſioners of exciſe for the time being, or any two or more of them, within the limits of the chief office of exciſe in *London*, or by one or more juſtice or juſtices of the peace in any other part of *Great Britain*, at any time or times, with any officer of exciſe, to enter into any workhouſe, ſtillhouſe, ſtorehouſe, warehouſe, or any other place, wherein any low wines or ſpirits, or worts, or waſh ſhall be, or are ſuſpected to be, made, extracted, diſtilled, or prepared, or wherein low wines or ſpirits, or worts, or waſh, ſhall have been made, extracted, diſtilled, or prepared, ſince the firſt day of *October*, one thouſand ſeven hundred and ſeventy, and ſhall have free admittance into the ſame, and may inſpect all the materials, veſſels, and utenſils therein contained, giving thereby as little interruption as may be to the buſineſs which is carrying on; and in caſe any officer of exciſe ſhall have reaſon to ſuſpect that any wheat or wheat flour is mixed in any worts or waſh, or in any other material or preparation, for making, extracting, or diſtilling low wines or ſpirits, it ſhall and may be lawful for ſuch officer, at any time or times during the continuance of this act, upon payment of two ſhillings and ſixpence, to take a ſample, not exceeding two quarts, of any ſuch worts or waſh, material or preparation, which ſhall be found in any ſuch houſe, or other place aforeſaid; and in caſe any diſtiller or maker of low wines or ſpirits, or the owner or occupier of any ſuch houſe or place, or any workman or ſervant to any ſuch diſtiller, owner, or occupier belonging, ſhall refuſe to admit ſuch perſon or perſons as ſhall be ſo authoriſed, or any officer of exciſe, into any ſuch houſe or place; or ſhall obſtruct or hinder any ſuch officer, or perſon or perſons, in making ſuch inſpection as aforeſaid; or ſhall not allow

Officers of exciſe, &c. authoriſed to inſpect the materials from which low wines or ſpirits are to be extracted;

and take ſamples, paying for the ſame.

Penalty of refuſing admittance to an officer, &c. or obſtructing him, 25 l.

allow any ſuch officer to take ſuch ſample, after the ſaid ſum of two ſhillings and ſixpence ſhall be paid or tendered for the ſame, ſuch diſtiller, owner, or occupier, ſhall, for every ſuch offence reſpectively, forfeit and pay the ſum of one hundred pounds; and it ſhall be lawful for any ſuch officer of excile, or other perſon or perſons authoriſed as aforeſaid, having a warrant for that purpoſe from any two or more of the commiſſioners of the exciſe, or any juſtice or juſtices reſpectively as aforeſaid, to ſeize, take, and carry away, all ſuch wheat and wheat flour as ſhall be found in any ſuch houſe or other place, together with all the ſacks, bags, and other things, in which the ſaid commodities ſhall be contained.

Officer authorized by warrant, may ſeize the ſaid commodities.

Diſtiller, &c. not to have more than five quarters of wheat, or wheat flour at one time, &c.

XVIII. And be it further enacted by the authority aforeſaid, That if any diſtiller or maker of low wines or ſpirits for ſale or exportation, ſhall be poſſeſſed of, or have in his, her, or their cuſtody or poſſeſſion, or in the cuſtody or poſſeſſion of any perſon or perſons in truſt, or for the uſe or benefit of ſuch diſtiller or maker of low wines or ſpirits, more than five quarters of wheat or wheat flour at any one time, in any one or more place or places, not being a place or places for preparing, making, extracting, diſtilling, or keeping worts or waſh, low wines or ſpirits, every ſuch diſtiller or maker of low wines or ſpirits, ſhall, for every ſuch offence reſpectively, forfeit all ſuch wheat and wheat flour exceeding the ſaid quantity of five quarters; and alſo the ſum of five pounds for every quarter ſo forfeited.

on forfeitures of the ſurplus, and 5l. per quarter,

XIX. Provided always, That this act ſhall not extend to inflict the ſaid laſt-mentioned penalty and forfeiture upon any diſtiller or maker of low wines or ſpirits, who ſhall be the actual grower of wheat, and ſhall be poſſeſſed of any quantity of ſuch wheat grown by him or her in the ſtraw, or after the ſame is threſhed out, or ſeparated from the ſtraw; provided ſuch wheat ſhall not be kept in his or her poſſeſſion, or in the poſſeſſion of any other perſon or perſons in truſt for him or her, or for a greater ſpace of time than twenty days after the ſame ſhall be threſhed or ſeparated from the ſtraw; and ſo as ſuch wheat be be not kept in any place uſed for making, extracting, or diſtilling low wines or ſpirits, or for preparing or keeping worts or waſh.

except to ſuch diſtillers, &c. as are the growers, &c.

and who keep not the wheat, after being threſhed out, longer than 20 days;

and not in places uſed for diſtilling;

XX. Provided alſo, That this act ſhall not extend to inflict the ſaid laſt-mentioned penalty and forfeiture upon any diſtiller or maker of low wines or ſpirits, who practiſes the trade of a miller, and who was poſſeſſed of and worked any mill or mills for the grinding of wheat, on or before the firſt day of *October*, one thouſand ſeven hundred and ſeventy, for or upon account of any quantity of wheat or wheat flour which ſhall at any time, during the continuance of this act, be found in any ſuch mill or mills; any thing herein contained to the contrary notwithſtanding.

and alſo with reſpect to ſuch diſtillers as are Millers, &c.

In caſe of information, upon oath, before two

XXI. And be it further enacted by the authority aforeſaid, That in caſe any officer or officers of exciſe, or any other perſon or perſons, ſhall, at any time or times, have cauſe to ſuſpect

pect that any wheat or wheat flour, exceeding the quantity of five quarters, ſhall be laid or kept in any ſuch ſtorehouſe, warehouſe, grainery, or other place or places as aforeſaid, belonging to any diſtiller or maker of low wines or ſpirits, contrary to the true intent and meaning of this act; then, and in every ſuch caſe, upon oath made by ſuch officer or officers, or other perſon or perſons, before the commiſſioners of exciſe for the time being reſpectively, or any two or more of them, or before one or more juſtice or juſtices of the peace reſiding near the place where ſuch officer or officers, or other perſon or perſons, ſhall ſuſpect the ſame to be laid and kept, ſetting forth the ground of his or their ſuſpicion; it ſhall and may be lawful to and for the ſaid commiſſioners, or juſtice or juſtices of the peace reſpectively, before whom ſuch officer or officers, or other perſon or perſons, ſhall make oath as aforeſaid (if he or they ſhall judge it reaſonable) by ſpecial warrant under his or their reſpective hands and ſeals, to authoriſe and impower ſuch officer or officers, or other perſon or perſons authoriſed as aforeſaid, by day or by night (but if in the night, then in the preſence of a conſtable or other lawful officer of the peace) to enter into all and every ſtorehouſe, warehouſe, grainery, or other place or places, where he or they ſhall ſuſpect that any wheat or wheat flour, exceeding the quantity of five quarters as aforeſaid, ſhall be laid or kept, belonging to any ſuch diſtiller or maker of low wines or ſpirits, and to ſeize, take, and carry away, all ſuch wheat and wheat flour as he or they ſhall ſo find, over and above the ſaid quantity of five quarters, together with all the ſacks, bags, or other things, wherein the ſame ſhall be contained; and ſuch diſtiller or maker of low wines or ſpirits, or the perſon or perſons in whoſe cuſtody or poſſeſſion ſuch wheat or wheat flour, belonging to ſuch diſtiller, ſhall be found, ſhall, for every ſuch offence reſpectively, forfeit and pay the ſaid penalty of five pounds for every quarter exceeding the ſaid quantity of five quarters; and the ſaid officer or officers, and other perſon or perſons, is or are hereby impowered by ſuch warrant, together with ſuch other perſon or perſons as he or they ſhall take to his or their aſſiſtance, to enter ſuch ſtorehouſes, warehouſes, graineries, and other place or places, and break open the doors thereof, in caſe they be not opened on demand.

commiſſioners of exciſe,

or a juſtice of peace, warrant to be granted impowering the officer, &c. to enter all ſtorehouſes, &c. belonging to diſtillers,

and ſeize all wheat and wheat flour exceeding 5 quarters,

and diſtiller liable to pay 5 l. per quarter for all above that quantity, &c.

XXII. And be it further enacted by the authority aforeſaid, That all penalties and forfeitures by this act impoſed, and for the recovery and application whereof no other proviſion is herein before made, ſhall be ſued for and recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record in *Weſtminſter*, or in the court of exchequer in *Scotland*; and that the reſpective courts before whom the ſame ſhall be recovered may and are hereby authoriſed (if they ſhall think fit) to mitigate all or any of the pecuniary penalties herein before inflicted, to any ſum not leſs than one fourth part of the ſum herein reſpectively mentioned; and that one moiety of all ſuch penalties and forfeitures, when recovered, ſhall be to the uſe of his Majeſty, his heirs, and ſucceſſors, and the other moiety to him or them

Recovery and application of the penalties and forfeitures, where not otherwiſe directed.

Penalties liable to be mitigated.

them who ſhall ſue for the ſame, or give information of, or diſcover the offence.

Limitation of ſuits, and informations for offences againſt this act.

XXIII. Provided always, That all ſuits, proſecutions, or informations, for offences committed againſt this act, ſhall be commenced and made within the ſpace of ſix calendar months after the fact is committed, and not otherways; any thing herein contained to the contrary notwithſtanding.

Limitation of actions.

XXIV. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons, for any thing done in purſuance of this act, ſuch action or ſuit ſhall be commenced within the ſpace of four calendar months next after the offence ſhall be committed; and if ſuch action or ſuit ſhall be commenced or proſecuted in that part of *Great Britain* called *England*, the defendant or defendants in any ſuch action or ſuit may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act: and if it ſhall appear ſo to have been done, the jury ſhall find for the defendant or defendants: and if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared; or if judgement ſhall be given upon any verdict or demurrer againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame as any defendant or defendants hath or have in other caſes by law: and if ſuch action or ſuit be commenced or proſecuted in that part of *Great Britain* called *Scotland*, the court, before whom ſuch action or ſuit ſhall be brought, ſhall allow the defender to plead this act on his defence; and if the purſuer ſhall not inſiſt on his action, or if judgement ſhall be given againſt ſuch purſuer, the defender ſhall and may recover the full and real expences he may have been put to by any ſuch action or ſuit.

General Iſſue.

Treble Coſts.

Continuation of the act.

XXV. And be it further enacted by the authority aforeſaid, That this act ſhall continue until the twentieth day after the commencement of the next ſeſſion of parliament.

may be abridged, &c.

XXVI. Provided nevertheleſs, that the ſaid continuation may be abridged or ſhortened, and this act or any part thereof may be altered and varied, by any other act or acts to be made in this preſent ſeſſion of parliament.

CAP. II.

An act for continuing and granting to his Majeſty certain duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and ſeventy-one.

CAP. III.

An act for the better ſupply of mariners and ſeamen to ſerve in his Majeſty's ſhips of war, and on board merchant ſhips, and other trading ſhips and veſſels.

Preamble.

FOR *the better ſupply of mariners and ſeamen to ſerve in his Majeſty's ſhips of war, and on board merchant ſhips, and other trading ſhips and veſſels*; be it enacted by the King's moſt excellent majeſty,

majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the paſſing of this act, until the firſt day of *February*, one thouſand ſeven hundred and ſeventy two, and no longer, (except in reſpect to ſuch merchant ſhips, and other trading ſhips, or veſſels, which ſhall be on their voyage before the ſaid firſt day of *February*, one thouſand ſeven hundred and ſeventy-two, who ſhall be, and are hereby allowed the liberty and benefit of returning home, navigated in the manner as herein after is provided), it ſhall and may be lawful for any merchant ſhip, or other trading ſhip, or veſſel, to be navigated by foreign ſeamen or mariners, not being natives of *Great Britain*, or any of the colonies or plantations thereto belonging, or his Majeſty's natural or naturalized ſubjects, ſo as the number of ſuch foreign ſeamen or mariners do not exceed three fourths of the mariners at any one time employed to navigate ſuch merchant ſhip, or other trading ſhip, or veſſel; and that one fourth at leaſt, of the the mariners or ſeamen ſo employed be at all times natives, or his Majeſty's naturalized ſubjects of *Great Britain* (ſudden death and hazard, and caſualties of war, and the ſeas, ſaved and excepted); one act of parliament made in the twelfth year of the reign of his late Majeſty King *Charles* the Second, intituled, *An act for the encouraging and increaſing of ſhipping and navigation*, or any other ſtatute or law to the contrary notwithſtanding.

Until Feb. 1. 1772, trading ſhips or veſſels may be navigated by foreign ſeamen;

ſo as their number do not exceed 3 fourths of the mariners employed.

II. Provided always, That nothing in this act contained ſhall extend to take away, or reſtrain the effect of any ſuch royal proclamation, as his Majeſty, his heirs and ſucceſſors, are impowered to make by virtue of an act paſſed in the thirteenth year of his late Majeſty's reign, intituled, *An act for the better ſupply of mariners and ſeamen to ſerve in his Majeſty's ſhips of war, and on board merchant ſhips and other trading ſhips, and privateers.*

This act not to reſtrain the effect of any royal proclamation made by virtue of act 13 Geo. II.

CAP. IV.

An act to amend ſo much of an act, made in the ninth year of his preſent Majeſty's reign, intituled, An act to amend, and render more effectual, An act made in the twenty-firſt year of the reign of King *James* the Firſt, intituled, *An act for the general quiet of the ſubjects, againſt all pretences of concealment whatſoever, as relates to the proſecuting his Majeſty's right, title, or claim, to any meſſuages, lands, tenements, or hereditaments, within the precinct, diſtrict, or liberty of the Savoy, in the county of Middleſex, or to any the appurtenances to the ſame therein mentioned.*

WHEREAS *by an act of parliament made in the ninth year of the reign of his preſent Majeſty, intituled,* An act to amend, and render more effectual, an act made in the twenty-firſt year of the reign of King *James* the Firſt, intituled, *An act for the general quiet of the ſubjects, againſt all pretences of concealment*

Preamble. Act 9. Geo. III

ment whatſoever, it is enacted, That nothing in the ſaid act contained ſhall extend, or be prejudicial, to any right, title, or claim, which his Majeſty then had to any meſſuages, lands, tenements, or hereditaments, within the precinct, diſtrict, or liberty, commonly called, *The Savoy*, in the county of *Middleſex*, or to any the manors, meſſuages, advowſons, buildings, lands, tenements, hereditaments, and appurtenances, being the eſtate and poſſeſſion of the late hoſpital of *The Savoy*, or of the maſter and chaplains of the ſaid hoſpital, ſo as ſuch right, title, or claim, be proſecuted with effect, by bill, plaint, information, or other ſuit or proceeding, in ſome of his Majeſty's courts of record at *Weſtminſter*, within the ſpace of two years, from the firſt day of *January*, one thouſand ſeven hundred and ſixty-nine.

ſhall not be prejudicial to any claim which the crown then had to meſſuages, &c. within the Savoy.

II. *And whereas it is neceſſary that the time mentioned in the ſaid proviſion ſhould be enlarged; now therefore, for amending the ſame in that particular*, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That nothing in the ſaid act contained ſhall extend, or be prejudical to any right, title, or claim, which his Majeſty then had, or now hath to any the premiſes therein and herein before mentioned, ſo as ſuch right, title, or claim be proſecuted by bill, plaint, information, or other ſuit or proceeding, in ſome of his Majeſty's courts of record at *Weſtminſter*, within the ſpace of two years, from the firſt day of *January*, one thouſand ſeven hundred and ſeventy-one; any thing therein contained to the contrary notwithſtanding.

Nothing herein contained to affect clauſe 9 Geo. III. whereby grantees of the crown may proſecute their claims.

III. Provided always, That nothing in this act contained ſhall in any reſpect extend to affect or influence the conſtruction of the clauſe contained in the ſaid recited act, whereby a liberty is given to grantees of the crown, to proſecute with effect their claims within a certain time therein mentioned.

CAP. V.

An act for granting an aid to his Majeſty by a land tax, to be raiſed in Great Britain, for the ſervice of the year one thouſand ſeven hundred and ſeventy-one. *Four ſhillings in the pound.*

CAP. VI.

An act for puniſhing mutiny and deſertion; and for the better payment of the army and their quarters.

CAP. VII.

An act for the regulation of his Majeſty's marine forces, while on ſhore.

CAP.

CAP. VIII.

An act to continue for a further time an act made in the eighth year of his present Majesty's reign, intituled, An act to continue and amend an act made in the fifth year of the reign of his present Majesty, intituled, *An act for importation of salted beef, pork, bacon, and butter, from* Ireland, *for a limited time; and for allowing the importation of salted beef, pork, bacon, and butter, from the* British *dominions in* America, *for a limited time.*

WHEREAS *an act was made in the fifth year of his present Majesty's reign, intituled,* An act for importation of salted beef, pork, bacon, and butter, from *Ireland*, for a limited time: *and whereas an act was made in the eighth year of his present Majesty's reign, to continue and amend the said first-mentioned act; and for allowing the importation of salted beef, pork, bacon, and butter from the* British *dominions in* America, *for a limited time: and whereas by two acts made in the ninth and tenth years of the reign of his present Majesty, the said last mentioned act was continued until the first day of* March, *one thousand seven hundred and seventy-one: and whereas it is expedient that the importation of all the said goods and commodities should be allowed for a longer time*; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act made in the eighth year of his present Majesty's reign, intituled, *An act to continue and amend an act made in the fifth year of the reign of his present Majesty, intituled,* An act for importation of salted beef, pork, bacon, and butter, from *Ireland*, for a limited time; and for allowing the importation of salted beef, pork, bacon, and butter, from the *British* dominions in *America*, for a limited time, shall continue, and be in full force and effect, until the first day of *March*, one thousand seven hundred and seventy-two.

Preamble.

Act 5 Geo. III.

Act 8 Geo. III.

and Acts 9 and 10 Geo. III.

further continued till March 1. 1772.

CAP. IX.

An act for the better paving, repairing, cleansing, lighting, and watching the streets and other publick passages within the City of Winchester; and also within the several parishes of Saint Bartholomew Hide, Saint John's in the Soke, Saint Peter's Cheesehill, Saint Swithin and Saint Michael in the West Soke, in the suburbs of the said city; and for preventing Nuisances and Annoyances therein; and for widening and rendering the same more commodious.

CAP. X.

An act for carrying into execution an agreement made between Peter Burrell, esquire, surveyor general of his Majesty's lands, and the trustees of Morden college, in the county of Kent, for enabling his Majesty his heirs and successors, to grant leases of Maidenstone hill, in the parish of East Greenwich, in the county of Kent, to the said trustees, upon the terms mentioned in the said agreement; and for impowering the said trustees to increase the salaries and pensions of the treasurer, chaplain, and poor merchants, in the said college.

CAP.

CAP. XI.

An act for further continuing two acts made in the ſixth and ninth years of his Majeſty's reign, for puniſhing mutiny and deſertion, and for the better payment of the army and their quarters, in his Majeſty's dominions in America.

Preamble. Act 10 Geo. III.

WHEREAS *by an act paſſed in the tenth year of his preſent Majeſty's reign, intitled,* An act to continue an act made in the laſt ſeſſion of parliament, intituled, *An act for amending and further continuing an act of the ſixth year of his preſent Majeſty's reign, intituled,* An act to amend and render more effectual, in his Majeſty's dominions in *America*, an act paſſed in this preſent ſeſſion of parliament, intituled, *An act for puniſhing mutiny and deſertion, and for the better payment of the army and their quarters; which act was to continue and be in force in all his Majeſty's dominions in* America, *from the twenty-fourth day of* March, *one thouſand ſeven hundred and ſeventy-one, until the twenty-fourth day of* March, *one thouſand ſeven hundred and ſeventy-two: and whereas it has been found neceſſary that the ſaid act ſhould be continued for a further time:* May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the king's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid act ſhall be, and the ſame is hereby continued until the twenty-fourth day of March, one thouſand ſeven hundred and ſeventy-three.

which was to continue in force till March 24, 1772,

farther continued till March 24, 1773.

CAP. XII.

An act for better paving the ſtreets, ſquares, lanes, courts, alleys, ways, and other publick paſſages, in that part of Goodman's Fields, which lies in the pariſh of Saint Mary Matfellon, otherwiſe Whitechapel in the county of Middleſex, and alſo Red Lion ſtreet and White Lion ſtreet, lying contiguous to the ſaid fields, and for removing and preventing nuiſances, annoyances, and obſtructions therein.

CAP. XIII.

An act to explain a clauſe in an act of the laſt ſeſſion of parliament, for better ſupplying the city of Worceſter, and the liberties thereof, with water; and for better paving and lighting the ſaid city; and for removing and preventing all obſtructions and annoyances therein.

CAP. XIV.

An act for better regulating the poor within the city of Oxford.

CAP. XV.

An act for the better paving that part of the high ſtreet in the pariſh of Saint Mary Matfellon, otherwiſe Whitechapel, which lies in the county of Middleſex, and for removing obſtructions and annoyances therein.

CAP. XVI.

An act to enable his Majeſty to licence a Playhouſe in the town of Liverpoole, *in the county palatine of* Lancaſter.

Preamble.

WHEREAS *a licenſed playhouſe in the town of* Liverpoole, *in the county palatine of* Lancaſter, *would be of convenience to the ſaid town*; May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the king's moſt excellent Majeſty,

jeſty, by and with the advice and conſent of the lords ſpiritual and temporal; and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That ſo much of an act of parliament, made in the tenth year of his late Majeſty's reign, intituled, *An act to explain and amend ſo much of an act made in the twelfth year of the reign of Queen* Anne, *intituled*, An act for reducing the laws relating to rogues, vagabonds, ſturdy beggars, and vagrants, into one act of parliament; and for the more effectual puniſhing ſuch rogues, vagabonds, ſturdy beggars, and vagrants, and ſending them whither they ought to be ſent, as relates to common players of interludes; whereby all perſons are diſcharged to repreſent any entertainment of the ſtage whatever, in virtue of letters patent from his Majeſty, or by licence of the lord chamberlain of his Majeſty's houſehold for the time being, except within the liberties of *Weſtminſter*, or where his Majeſty is reſiding for the time being, be, and the ſame is hereby repealed, with reſpect to the ſaid town of *Liverpoole*: and that it ſhall and may be lawful for his Majeſty, his heirs, and ſucceſſors, to grant letters patent for eſtabliſhing a theatre or playhouſe within the ſaid town of *Liverpoole*; which ſhall be intitled to all the privileges, and ſubjected to all the regulations, to which any theatre or playhouſe in *Great Britain* is intitled and ſubjected.

Part of act 10 Geo. III. relating to common players,

repealed.

CAP. XVII.

An act to explain and amend ſo much of an act of the ſixth year of his preſent Majeſty, for paving the town and borough of *Southwark*, in the county of *Surrey*, *as relates to the commiſſioners of ſewers; and for regulating the manner of taxing churches, and other publick buildings, within the limits of the ſaid act.*

WHEREAS *by an act paſſed in the ſixth year of the reign of his preſent Majeſty King* George *the Third, intituled*, An act for paving the ſtreets and lanes within the town and borough of *Southwark*, and certain places adjacent, in the county of *Surrey*, and for cleanſing, lighting, and watching the ſame, and alſo the courts, yards, alleys, and paſſages adjoining thereto, and for preventing annoyances therein; it is, amongſt other things enacted, That when and ſo often as there ſhall be occaſion to make new or additional grates over any ſewer or ſewers within the ſaid ſtreets or lanes, or either of them, or to repair or alter any of the old grates belonging to the commiſſioners of ſewers in the ſaid ſtreets or lanes, or either of them, the ſame ſhall be made new, repaired, or altered, by and at the expence of the ſaid commiſſioners of ſewers: And it is alſo enacted, That when and ſo often as any ſewer or drain, which is or ſhall be under the direction of the commiſſioners of ſewers, and which ſhall be ſituate in, or communicating with the ſaid ſtreets or lanes, or either of them, ſhall require to be made new, repaired, altered, cleanſed, or emptied, then, and in every ſuch caſe, the ſaid commiſſioners of ſewers ſhall, within ſix days after notice given to,

Preamble. Act 6. Geo. III.

to, or left for their ſurveyor for the time being, at his laſt or uſual place of abode, by the ſaid commiſſioners appointed to put the ſaid act in execution, or any five or more of them, or by the ſurveyor or other perſon authoriſed by them, make new, effectually repair, clean, or empty ſuch ſewer or drain, as the caſe may require; and in default thereof it ſhall and may be lawful to and for the ſaid commiſſioners appointed by the ſaid act, or any five or more of them, or their ſurveyor or ſurveyors for the time being, to cauſe ſuch ſewer or drain to be made new, repaired, altered, cleanſed, or emptied, as the caſe may require, or ſo much thereof as ſhall remain unfiniſhed: the charges and expences whereof ſhall be paid by the commiſſioners for putting the ſaid act in execution, who ſhall be reimburſed the ſame by the clerk or treaſurer for the time being to the ſaid commiſſioners of ſewers; and in caſe the ſaid clerk or treaſurer to the ſaid commiſſioners of ſewers ſhall neglect or refuſe to pay what ſhall have been ſo paid and diſburſed, within ten days next after notice thereof ſhall be left at the dwelling-houſe, or laſt place of abode, of ſuch clerk or treaſurer, and ſigned by the clerk to the commiſſioners for putting the ſaid act in execution, annexed to the bill containing an account of ſuch charges and expences, it ſhall and may be lawful to and for the ſaid laſt-mentioned commiſſioners, or any five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any action or actions in the name of their clerk for the time being, againſt ſuch clerk or treaſurer of the commiſſioners of ſewers for the time being, for the recovery of ſuch ſum or ſums of money as they ſhall have ſo expended for the purpoſes aforeſaid: and whereas the commiſſioners for putting the ſaid act in execution for the eaſtern diviſion, have charged the ſaid commiſſioners of ſewers, with the ſum of ſeven hundred and five pounds, fifteen ſhillings, and nine-pence halfpenny, and the commiſſioners for the Weſtern diviſion have charged the ſaid commiſſioners with the ſum of three hundred and ten pounds, eight ſhillings, and five-pence, amounting in the whole to the ſum of one thouſand and ſixteen pounds, four ſhillings, and two-pence halfpenny, for the charges and expences of making new grates over the ſewers within the ſaid ſtreets or lanes, repairing and altering old grates therein, and of making new, repairing, altering, cleanſing, and emptying ſeveral ſewers or drains within the ſaid ſtreets or lanes, under the authority and in purſuance of the directions of the ſaid act, and have brought, or cauſed to be brought, an action at law againſt the clerk for the time being to the ſaid commiſſioners of ſewers for recovering part of the ſaid monies, and which action is ſtill depending: and whereas doubts have ariſen whether the ſaid commiſſioners of ſewers are by their commiſſion authoriſed or impowered to raiſe monies for the purpoſes mentioned in the ſaid recited act: now, to the end that the ſaid commiſſioners for putting the ſaid recited act in execution may be reimburſed the monies ſo by them charged to have been expended as aforeſaid, together with the coſts and charges which have ac-

Monies diſburſed by commiſſioners for paving,

and the actions brought thereon.

Doubts concerning the power of the commiſſioners of ſewers.

Intent of the act.

accrued in and about the aforeſaid action, and that the clerk for the time being to the ſaid commiſſioners of ſewers may be ſaved harmleſs and indemnified therefrom, and that the ſaid commiſſioners of ſewers may be duly authoriſed and impowered to raiſe monies for the purpoſes aforeſaid: May it pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the paſſing of this act, it ſhall and may be lawful to and for the commiſſioners of ſewers, for the limits extending from *Eaſt Mouldſey* in the county of *Surrey*, to *Ravenſborne* in the county of *Kent*, or any ſix or more of them, three whereof are to be of the *quorum*, and they are hereby authoriſed and required to enquire, by the oaths of twelve or more honeſt and lawful men, within the counties of *Surrey* and *Kent* reſpectively, what perſon or perſons hath or have, or holdeth or hold any meſſuages, lands, tenements, or hereditaments within the ſaid limits, or hath, or may have any benefit or hurt, loſs, or diſadvantage, by any manner of means, from the ſewers or drains within the ſaid limits; and all thoſe perſons, and every of them, to tax, aſſeſs, charge, diſtrain, and puniſh, after the quantity of their meſſuages, lands, tenements, rents, and hereditaments, and the rate of every perſon's portion, tenure, and profit, for and towards the diſcharge and ſatisfaction of the monies which have been ſo expended by the ſaid commiſſioners, for putting the ſaid before-recited act of the ſixth year of his preſent Majeſty into execution as aforeſaid, and of the coſts and charges which have accrued in and about the proſecution and defence of the action aforeſaid, and of the neceſſary coſts and charges incidental to the enquiry and aſſeſſment hereby directed to be made, and alſo of the coſts and charges expended and laid out in or by reaſon of obtaining and paſſing this preſent act of parliament, by ſuch ways and means, and in ſuch manner and form, as to the ſaid commiſſioners of ſewers, or any ſix or more of them, three whereof ſhall be of the *quorum*, ſhall ſeem meet; to be done and ordained according to and in purſuance of the ſeveral powers and authorities veſted in them by their commiſſion, or by virtue of an act of parliament made and paſſed in the twenty-third year of the reign of the late King *Henry* the Eighth, intiuled, *The bill of ſewers*, or any other act or acts of parliament made and now in force relating to the power and authority of the ſaid commiſſioners of ſewers, or for the purpoſe of executing their commiſſion.

Commiſſioners of ſewers to enquire by a jury what owner, &c. may be hurt, &c from the ſewers within Southwark, and to aſſeſs them for the purpoſe of this act.

purſuant to the powers of their commiſſion.

II. And be it further enacted by the authority aforeſaid, That from and out of the monies to be raiſed and collected by the enquiry and aſſeſſment as aforeſaid, the ſaid commiſſioners of ſewers, or any ſix or more them, three whereof ſhall be of the *quorum*, ſhall, in the firſt place, pay and ſatisfy unto the ſaid commiſſioners in each diviſion for putting the ſaid recited act in execution, or any five or more of them the monies ſo reſpective-

Application of the monies to be raiſed by the aſſeſſment.

ly expended by them as aforesaid; and in the next place, the costs and charges before mentioned, and in case there shall be any surplus remaining after such payments, the same shall be from time to time paid and applied by the said commissioners of sewers, in and towards the general charges and expences of executing their commission.

Directions to commissioners for paving in future alterations of the sewers.

III. And be it further enacted by the authority aforesaid, That in case the commissioners for putting the said recited act in execution, or any five or more of them, shall at any time or times, from and after the passing of this act, think it necessary, or have occasion to make any new or additional grates over any sewer or sewers, within the streets or lanes, or places comprised and mentioned in the said recited act, or any of them, or to repair or alter any of the old grates therein, or to make new, repair, alter, cleanse, or empty any sewer or drain, which is or shall be under the direction of the commissioners of sewers, situate in, or communicating with the said streets, lanes, and places aforesaid, or any of them; then the said commissioners for putting the said recited act in execution, or any five or more of them, or their surveyor or surveyors for the time being, within their respective divisions, or other person or persons authorised by them, shall, and they are hereby directed and required to give or leave notice in writing, unto and for the clerk for the time being to the said commissioners of sewers, at his usual or last place of abode, of their intention to have any such new or additional grates, made or placed over any sewer or sewers within the limits aforesaid, or to have any such reparation or alteration of the old grates therein, or to have any such sewer or drain made new, repaired, altered, cleansed, or emptied, as the case may be; and the said clerk is hereby directed and required, immediately after the delivery of any and every such notice as aforesaid, to summon six or more of the said commissioners of sewers, who shall be inhabiting or dwelling in or near the borough of *Southwark*, three whereof shall be of the *quorum*, to survey the grates, sewers, and drains, mentioned and specified in such notice, within ten days next after the receipt thereof; and they the said commissioners are hereby required and directed to survey the same, within the time before limited, and after such survey shall be had and made, to cause such grates, sewers, and drains to be forthwith made new, corrected, repaired, amended, altered, cleansed, emptied, or reformed, as the case shall require, and by the oaths of a jury to enquire what person or persons are or ought to contribute to the charges and expences thereof in each division, and to tax, assess, charge, distrain, and punish, all and every such person and persons, for the redress and reformation thereof, by such ways and means, and in such manner and form, as to the said commissioners shall seem fit to be done and ordained, according to and in pursuance of the several powers and authorities vested in them the said commissioners by their commission, or by virtue of the said act of parliament of the twenty-third year of the late King *Henry* the Eighth, or any

The clerk to summon them to survey defects, &c. on notice.

Commissioners of sewers directed to survey the same, and to cause grates, sewers, and drains to be reformed, and to enquire by a jury who ought to be contributory to the expence, &c.

other act or acts of parliament made and now in force relating to the power and authority of the ſaid commiſſioners of ſewers, or for the purpoſe of executing their commiſſion.

Where two parts in three of monies are to be collected.

IV. Provided always, and be it further enacted by the authority aforeſaid, That two parts in three (the whole into three equal parts being to be divided) of the monies to be raiſed and collected by the enquiry and aſſeſſment aforeſaid, ſhall be, and the ſame is hereby directed to be raiſed and collected upon the owners and occupiers of all the meſſuages, lands, tenements, and hereditaments, ſituate and being within the levels or diſtricts, commonly called or known by the name or names of *Bridgebouſe Sluice*, *Green Bank Mill Stream*, *Battle Bridge Mill Stream*, *Saint John of Jeruſalem Sluice*, *Bare Sluice*, *Boars-head Sluice*, *Black Lyon Sluice*, and *Whitewall Sluice* in the county of *Surrey*, and which are lying, being, or adjoining to any part or parts of any other ſluice, common, ſewer, or ſtream, running in or through any of the ſtreets, lanes or places compriſed in the ſaid recited act of the ſixth year of his preſent Majeſty; and that the other or remaining third part of the ſaid monies ſhall be, and the ſame is hereby directed to be raiſed and collected upon the owner and occupiers of meſſuages, lands, tenements, and hereditaments, ſituate, lying, and being in all the other levels or diſtricts within the limits, under the cognizance and juriſdiction of the ſaid commiſſioners of ſewers, and not otherwiſe, or in any other manner.

Commiſſioners to cauſe grates and ſewers to be repaired;

V. And be it further enacted by the authority aforeſaid, that in caſe the ſaid commiſſioners of ſewers ſhall neglect or refuſe to cauſe any ſuch grate, ſewer, or drain to be made new, corrected, repaired, amended, altered, cleanſed, or emptied, as the caſe ſhall require, for the ſpace of fourteen days after the delivery of every ſuch notice as aforeſaid, that then it ſhall and may be lawful to and for any five or more of the ſaid commiſſioners, who are or ſhall be authoriſed to put the ſaid recited act of the ſixth year of his preſent Majeſty in execution to cauſe every ſuch grate, ſewer, and drain, whereof ſuch notice ſhall be given or left as aforeſaid, to be made new, corrected, repaired, amended, altered, cleanſed, emptied, and reformed, as the caſe may require, or ſo much thereof as ſhall be neglected to be finiſhed by the ſaid commiſſioners of ſewers, the charges and expences whereof ſhall be paid by the commiſſioners authoriſed to put the ſaid laſt-mentioned act in execution, who ſhall be reimburſed the ſame by the clerk or expenditor general for the time being to the ſaid commiſſioners of ſewers; and in caſe the ſaid clerk or expenditor to the ſaid commiſſioners of ſewers ſhall neglect or refuſe to pay what ſhall have been ſo paid and diſburſed, within three months next after notice thereof ſhall be left at the dwelling-houſe or laſt place of abode of ſuch clerk or expenditor, (which notice ſhall be in writing, and ſigned by the clerk to the commiſſioners authoriſed to put the ſaid laſt-mentioned act in execution, and annexed to a bill containing an account of ſuch charges and expences) it ſhall and may be lawful for any five or

more of the ſaid laſt-mentioned commiſſioners, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any action or actions, in the name of their clerk for the time being, againſt ſuch clerk or expenditor of the ſaid commiſſioners of ſewers for the time being, and to recover upon any ſuch action or actions, all and every of ſuch ſum and ſums of money as ſhall have been expended by the commiſſioners for putting the ſaid laſt-mentioned act in execution, for the purpoſes aforeſaid; in which action or actions no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed.

and to keep accounts of monies to be collected by aſſeſſments.

VI. And be it further enacted by the authority aforeſaid, that the ſaid commiſſioners of ſewers ſhall, and they are hereby directed and required, from and immediately after the paſſing of this act, to keep, for the future, ſeparate and diſtinct accounts of all monies to be raiſed or collected by virtue of any rates or aſſeſſment which ſhall be made or allowed by the ſaid commiſſioners, in each and every level or diſtrict within the limits aforeſaid; and that ſuch monies ſhall be, from time to time, paid, applied, diſburſed, and expended by the ſaid commiſſioners, in, and towards the new-making, altering, amending, repairing, cleanſing, and reforming the ſeveral ſluices, ſewers, drains, and grates, within each and every ſuch ſuch level or diſtrict wherein the ſaid monies ſhall be raiſed or collected, at the rateable or proportionable part of ſuch level or diſtrict, for and towards the general charges and expences attending the execution of the ſaid commiſſion, and not otherwiſe; and that ſuch ſeparate accounts ſhall and may be inſpected by any perſon or perſons charged to the payment of any ſuch rate or aſſeſſment who ſhall be intitled to have copies of ſuch accounts, or any part thereof, upon payment of ſix-pence for every one hundred words contained therein.

Commiſſioners of ſewers to make new additional grates.

VII. And whereas ſome doubts have ariſen, whether the ſaid commiſſioners of ſewers are authoriſed or impowered to make any new or additional grates over any ſewer or ſewers, or to repair or alter any of the old grates therein, or to caſt, cleanſe, make new, repair, and alter the common ſewers within their juriſdiction at the coſts and charges of their commiſſion: it is therefore enacted by the authority aforeſaid, that the ſaid commiſſioners of ſewers ſhall be, and they are hereby authoriſed and impowered for the future, to make new or additional grates over any ſewer or ſewers, and to repair and alter any of the old grates therein, and to caſt, cleanſe, make new, repair, and alter all and every of the common ſewers, ſituate and being in the ſeveral levels or diſtricts, within the limits aforeſaid, as the caſe may require, and from time to time to aſſeſs and levy the charges and expences thereof, by an aſſeſſment on all the owners and occupiers of all or any meſſuages, lands, tenements, or hereditaments, within the ſame levels or diſtricts, as to them ſhall ſeem meet to be done; the right or claim of any ſuch owners or occupiers now ſet up, or hereafter to be ſet up, by preſcription or otherwiſe, for making new or additional grates over any ſuch

ſewer

ſewer or ſewers, or for repairing or altering any of the old grates therein, or for caſting, cleanſing, repairing, or altering the ſame common ſewers, at their own private coſts or charges; or any law, uſage, or cuſtom to the contrary notwithſtanding: and whereas by the ſaid recited act it is enacted, that it ſhall be lawful for the ſaid commiſſioners, at their diſcretion, and they are hereby required, from time to time, to rate and aſſeſs, for the purpoſes of the ſaid act, all pariſh churches, church-yards, chapels, meeting-houſes, ſchools, warehouſes, hoſpitals, priſons, and all other publick buildings whatſoever, and all dead walls and void ſpaces of ground, ſituate and being within the ſaid ſtreets and other places, at a rate to be ſettled by the ſaid commiſſioners, not exceeding ſix-pence for every ſquare yard belonging to every ſuch pariſh church, church yards, chapel, meeting-houſe, ſchool, warehouſe, hoſpital, priſon, and other publick building whatſoever, dead wall and void ſpace of ground: and whereas the ſaid commiſſioners have, under the authority of the ſaid act, rated and aſſeſſed ſome churches, church-yards, publick buildings, dead walls, and void ſpaces of ground, within the ſaid ſtreets and places by the ſquare yard, for the whole content thereof, and others only for the content of the ſtreet or ground lying before the ſame; be it therefore further enacted by the authority aforeſaid, that the commiſſioners appointed, and hereafter to be appointed, to put the ſaid recited act in execution ſhall, from and after the paſſing of this act, and they are hereby required, from time to time, to rate and aſſeſs, for the purpoſes of the ſaid recited act, all pariſh churches, church-yards, chapels, meeting-houſes, ſchools, hoſpitals, priſons, and all other publick buildings whatſoever, and all dead walls and void ſpaces of ground, ſituate and being within any of the ſaid ſtreets and other places, in an equal manner by the ſquare yard, not exceeding the rate of ſixpence for every ſquare yard, lying between the ſaid fences and the middle of the carriage-way lying before ſuch pariſh churches, church-yards, chapels, meeting-houſes, ſchools, hoſpitals, priſons, publick buildings, dead walls, and void ſpaces of ground, and not otherwiſe: provided that no owner or proprietor, owners or proprietors of any ſuch publick buildings as aforeſaid, ſhall be liable to pave or repair the pavements before ſuch publick buildings reſpectively; any thing in the ſaid former act contained to the contrary notwithſtanding.

Commiſſioners to aſſeſs pariſh churches.

Commiſſioners appointed to put the recited act in execution.

VIII. And be it further enacted by the authority aforeſaid, that *Herbert Thomas* and *Richard Ruſſel* eſquires; *Beriah Hills*, *William Biley*, *Joſeph Collyer*, *Richard Bodman*, *Amos Angles*, *William Maſon*, *John Davis*, *Francis Holmes*, *Henry Whittel*, *William Browning*, *Nathaniel Nichols*, *John Varnham*, *Richard Carpenter Smith*, *Richard Tomley*, *Richard Norfolk*, *Richard Toye*, *George Lane*, *William Baldwin*, Junior, *Daniel Morgan*, *James Wadham*, *William Holmer*, *Thorold Lowdell*, *Joſeph Bratt*, *Richard Miles*, *Richard Bennet* Gentlemen, ſhall be, and they are hereby nominated and appointed commiſſioners for putting in execution the ſaid recited act of the ſixth year of his preſent Majeſty, for

Commiſſioners names.

paving the ſtreets and lanes within the town and borough of *Southwark*, and parts adjacent, in the ſaid county of *Surry*, together with the reſt of the commiſſioners nominated and appointed by the ſame act; and ſhall be and are hereby authoriſed and impowered to execute all and every the powers thereby, or by this preſent act, granted and allowed, as fully, to all intents and purpoſes, as if they had been nominated and appointed in the ſaid recited act.

Limitation of actions.

IX. And be it enacted by the authority aforeſaid, that if any ſuit or action ſhall be brought or proſecuted againſt any perſon or perſons for any thing done, or to be done, in purſuance or under the authority of this preſent act, every ſuch action or ſuit ſhall be commenced within ſix months next after the fact committed, and not afterwards, and ſhall be laid and brought in the county where the cauſe of action ſhall ariſe, and not elſewhere; and the defendant or defendants, in ſuch action or ſuit, may plead the general iſſue, not guilty, and give this preſent act and the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act: and if the ſame ſhall appear to have been ſo done, or if any ſuch action or ſuit ſhall be brought after the time before limited for bringing the ſame, or ſhall be laid in any other county or place; that then and in ſuch caſe or caſes, the jury ſhall find a verdict for the defendant or defendants; or if the plaintiff or plaintiffs ſhall become nonſuited, or ſuffer a diſcontinuance of his, her, or their action or actions, or if a verdict ſhall paſs againſt the plaintiff or plaintiffs, the defendant or defendants ſhall have treble coſts, and have the like remedy for the ſame as any defendant or defendants hath or have for coſts of ſuit in any other caſes by law.

General iſſue.

Treble coſts.

Publick act.

X. And be it further enacted by the authority aforeſaid, that this act ſhall be taken and allowed in all courts of juſtice, as a publick act, and all judges, juſtices, and others, are hereby required to take notice thereof as ſuch without the ſame being ſpecially pleaded.

CAP. XVIII.

An act to indemnify perſons who have omitted to qualify themſelves for offices and employments, and to indemnify juſtices of the peace and others who have omitted to regiſter their qualifications, within the time limited by law; and for giving further time for thoſe purpoſes.

Preamble.

WHEREAS *divers perſons, who, on account of their offices, places, employments or profeſſions, or any other cauſe or occaſion, ought to have taken and ſubſcribed the oaths, or the aſſurance reſpectively appointed to be by ſuch perſons taken and ſubſcribed in and by an act made in the firſt year of the reign of his late majeſty King* George *the Firſt, of glorious memory, intituled,* An act for the further ſecurity of his Majeſty's perſon and government, and the ſucceſſion of the crown in the heirs of the late princeſs *Sophia*, being proteſtants; and for extinguiſhing the hopes of the

Perſons who have omitted to take the oaths appointed by act 1 Geo. 1. Act 13 Car. 2.

the pretended prince of *Wales*, and his open and ſecret abettors; *or to have qualified themſelves according to an act made in the thirteenth year of the reign of King* Charles *the Second, intituled,* An act for the well-governing and regulating corporations; *or to have qualified themſelves according to another act, made in the twenty-fifth year of the reign of King* Charles *the Second, intituled,* An act for preventing the dangers which may happen from popiſh recuſants, *by receiving the ſacrament of the Lord's ſupper, according to the uſage of the church of* England, *and making and ſubſcribing the declaration againſt tranſubſtantiation therein mentioned; or according to another act, made in the thirteenth year of the reign of King* Charles *the Second, intituled,* An act for the more effectual preſerving the King's perſon and government, by diſabling papiſts from ſitting in either houſe of parliament; *or according to another act, made in the eighteenth year of the reign of his late majeſty King* George *the Second, of glorious memory, intituled,* An act to amend and render more effectual an act paſſed in the fifth year of his ſaid late Majeſty's reign, intituled, *An act for the further qualification of juſtices of the peace; or according to another act made in the thirtieth year of his ſaid late Majeſty's reign, intituled,* An act for the better ordering of the militia forces in the ſeveral counties of that part of *Great Britain* called *England; have, through ignorance of the law, abſence, or ſome unavoidable accident, omitted to take and ſubſcribe the ſaid oaths and aſſurance, or otherwiſe to qualify themſelves as aforeſaid, within ſuch time, and in ſuch manner, as in and by the ſaid acts reſpectively, or by any other act of parliament in that behalf made and provided, is required, whereby they may be in danger of incurring divers penalties and diſabilities: for quieting the minds of his Majeſty's ſubjects, and for preventing any inconveniencies that might otherwiſe happen by means of ſuch omiſſions;* be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons who ſhall, on or before the twenty-eighth day of *November*, one thouſand ſeven hundred and ſeventy-one, take and ſubſcribe the ſaid oaths and aſſurance reſpectively, in ſuch caſes wherein by law the ſaid oaths and aſſurance ought to have been taken or ſubſcribed, in ſuch manner and form, and in ſuch place and places, as are appointed in and by the ſaid act made in the firſt year of the reign of his ſaid late majeſty King *George* the Firſt, or by any other act or acts of parliament in that behalf made and provided; and alſo receive the ſacrament of the Lord's ſupper according to the uſage of the church of *England*, and make and ſubſcribe the ſaid declaration againſt tranſubſtantiation, in ſuch caſes wherein the ſaid ſacrament ought to have been received, and the ſaid declaration ought to have been made and ſubſcribed; or take and ſubſcribe the oath directed by the ſaid act in the eighteenth year of the reign of his late majeſty King *George* the Second, in ſuch caſes wherein the ſaid oath ought to have been taken

Act 25 Car. 2.

Act 13 Car. 2.

Act 18. Geo. 2.

and act 30 Geo. 2.

qualifying before Nov. 28. 1771.

and ſubſcribed, in ſuch manner as by the ſaid act is directed; ſhall be, and are hereby indemnified, freed, and diſcharged, from and againſt all penalties, forfeitures, incapacities, and diſabilities, incurred, or to be incurred, for or by reaſon of any former neglect or omiſſion of taking or ſubſcribing the ſaid oaths or aſſurance, or receiving the ſacrament, or making or ſubſcribing the ſaid declaration reſpectively, according to the above-mentioned acts, or any of them, or any other act or acts; is and are, and ſhall be fully and actually recapacitated, and reſtored to the ſame ſtate and condition as ſuch perſon or perſons were before ſuch neglect or omiſſion, and ſhall be deemed and adjudged to have duly qualified him, her, or themſelves, according to the above-mentioned acts, and every of them; and that all acts done, or to be done, by any ſuch perſon or perſons, or by authority derived from him or them, are, and ſhall be, of the ſame force and validity as the ſame or any of them would have been, if ſuch perſon or perſons had taken the ſaid oaths or aſſurance, and received the ſacrament of the Lord's ſupper, and made and ſubſcribed the ſaid declaration, or taken and ſubſcribed the ſaid oath reſpectively, according to the direction of the ſaid acts, and every of them; and that ſuch perſon or perſons qualifying themſelves in manner, and within the time appointed by this act, ſhall be, to all intents and purpoſes, as effectual, as if ſuch perſon or perſons had reſpectively taken the ſaid oaths and aſſurance, and received the ſacrament, and made and ſubſcribed the ſaid declaration, and taken and ſubſcribed the ſaid oath, within the time, and in the manner appointed by the ſeveral acts before mentioned.

indemnified againſt forfeitures.

II. Provided always, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to extend, to reſtore or intitle any perſon or perſons to any office or employment, benefice, matter or thing, whatſoever, already actually avoided by judgement of any of his Majeſty's courts of record, already filled up or enjoyed by any other perſon; but ſuch office, employment, benefice, matter or thing, ſo avoided or filled up, and enjoyed, ſhall be, and remain in and to the perſon or perſons who is or are now intitled to the ſame, as if this act had never been made.

Not to extend to reſtore perſons to any office avoided by judgement;

III. Provided alſo, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to extend, to indemnify any perſon againſt whom final judgement ſhall have been given, in any action of debt, bill, plaint, or information, in any of his Majeſty's courts of record, for any penalty incurred, by having neglected to qualify himſelf within the time limited by law.

Nor to indemnify perſons for penalties incurred.

CAP.

CAP. XIX.

An act for amending certain of the mile-ways leading to Oxford; for making a commodious entrance through the parish of Saint Clement; for rebuilding or repairing Magdalen Bridge; for making commodious roads from the said bridge, through the university and city, and the avenues leading thereto; for cleansing and lighting the streets, lanes, and places, within the said university and city, and the suburbs thereof, and the said parish of Saint Clement; for removing nuisances and annoyances therefrom, and preventing the like for the future; for impowering colleges and corporations to alienate their estates there; for removing, holding, and regulating markets within the said city; and for other purposes.

CAP. XX.

An act to enable lunaticks intitled to renew leases, their guardians and committees, to accept of surrenders of old leases, and grant new ones.

Preamble.

WHEREAS *by the laws now in force, lunaticks, or their guardians or committees, have not any power or authority, upon a surrender of any lease of lands, tenements, or hereditaments, for the life or lives of one or more person or persons, or for terms of years absolute or determinable, on the death of one or more person or persons, to make a sure or effectual renewal of such lease or leases, which is frequently to the detriment of such lunaticks and their families, and always to the prejudice of the person or persons intitled to such renewal:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fifth day of *March*, one thousand seven hundred and seventy-one, in all cases where any lunatick is or shall be intitled, or has right to renew any lease or leases made or granted, or to be made or granted, for the life or lives of one or more person or persons, or for any term or number of years, absolute or determinable on the death of one or more person or persons, or otherwise, it shall and may be lawful to and for such lunatick, or his or her guardian or guardians, committee or committees, of his estate, in his, her, or their name or names, by the direction of the lord high chancellor of *Great Britain*, or the lord keeper or lords commissioners of the great seal of *Great Britain* for the time being, signified by an order made on hearing all parties concerned, upon petition, in a summary way, from time to time, to accept of a surrender or surrenders of such lease or leases; and to make and execute to any person or persons, bodies politick, or corporate or collegiate, aggregate or sole, a new lease or leases of the premises comprised in such lease or leases so to be surrendered by virtue of this act, for and during such number of lives, or for such term or terms of years, determinable upon such number of lives, or for such term or terms of years absolute, as was or were mentioned or contained in such lease or leases so surrendered,

From March 25, 1771, Lunaticks, their guardians, &c.

may accept of surrenders, and make new leases.

dered, at the making thereof, or otherwiſe, as the lord high chancellor of *Great Britain*, or the lord keeper or lords commiſſioners of the great ſeal of *Great Britain* for the time being, by any ſuch order, ſo to be obtained as aforeſaid, ſhall direct.

Leaſes ſo executed declared valid and effectual.

II. And be it further enacted and declared by the authority aforeſaid, That all and every ſuch leaſe or leaſes, ſo to be made or executed as aforeſaid, ſhall be, and be deemed as good and valid, and effectual in the law, to all intents and purpoſes, as if ſuch lunatick was at the time of making or executing thereof, of ſane mind, and had executed the ſame in his or her own proper perſon; any thing in this act, or any former law, to the contrary thereof, in any wiſe notwithſtanding.

Premiums paid on renewing leaſes (charges deducted) to go to the guardians of lunaticks.

III. Provided always, and be it further enacted by the authority aforeſaid, That all fines, premiums, foregifts, and ſums of money, which ſhall or may be had, received, or paid for, or on account of the renewing of any ſuch leaſe or leaſes as aforeſaid, ſhall (after a deduction of all neceſſary incident charges and expences) be paid to the guardian or guardians, committee or committees, of the ſaid lunatick, and be applied and diſpoſed of for the benefit of ſuch lunatick, in ſuch manner as the lord high chancellor of *Great Britain*, or the lord keeper or lords commiſſioners of the great ſeal of *Great Britain*, ſhall direct: but, upon the death of ſuch lunatick or lunaticks, all ſuch ſum and ſums of money as ſhall ariſe by ſuch fines, premiums, or foregifts, or ſo much as ſhall remain unapplied for the benefit of ſuch lunatick or lunaticks, at his, her, or their death, ſhall, as between the repreſentatives of the real and perſonal eſtates of all ſuch lunaticks, be conſidered as real eſtate, unleſs ſuch lunatick or lunaticks ſhall be tenant for life only; and then the ſame ſhall be conſidered as perſonal eſtate.

On death of lunaticks, money ariſing by ſuch fines to be conſidered real eſtate, unleſs ſuch lunaticks ſhall be tenant for life only.

CAP. XXI.

An act for paving Wapping Street, in the county of Middleſex, and the ſeveral ſtreets and paſſages leading into the ſame; and for removing all encroachments and obſtructions therefrom, and preventing the like for the future; and for opening a paſſage from Hermitage Street into Nightingale Lane; and paving ſuch paſſage, and for the eaſt ſide of Nightingale Lane.

CAP. XXII.

An act to amend and render more effectual ſeveral acts made relating to paving, cleanſing, and lighting the ſquares, ſtreets, lanes, and other places within the city and liberty of* Weſtminſter, *and parts adjacent.

Preamble. Act 2 Geo. 3. cap. 21.

WHEREAS *an act of parliament was made in the ſecond year of the reign of his preſent Majeſty*, For paving, cleanſing, and lighting the ſquares, ſtreets, and lanes, within the city and liberty of *Weſtminſter*, the pariſhes of *Saint Giles in the Fields*, *Saint George the Martyr*, *Saint George*, *Bloomsbury*, thoſe parts of the pariſh of *Saint Andrew*, *Holborn*, which lie in the county of *Middleſex*, the ſeveral liberties of the *Rolls* and *Savoy*, and that

that part of the duchy of *Lancaſter* which lies in the county of *Middleſex*, and for preventing annoyances therein, and for other purpoſes therein mentioned; *and ſeveral other acts were made in the third, fourth, fifth, and ſixth years of his ſaid preſent Majeſty, for amending the firſt-mentioned act, or for enabling the commiſſioners thereby appointed more effectually to carry the purpoſes of the ſaid acts into execution, and great progreſs hath been made in the works by the ſaid acts directed to be performed; but the commiſſioners are unable to complete the ſame without further aid: and whereas it is apprehended that it would forward the good purpoſes of the ſaid acts, and be a great eaſe to the preſent commiſſioners, if an additional number of commiſſioners were to be elected and appointed by each pariſh, precinct, and place, to act with the preſent commiſſioners: and alſo, if a certain number of the inhabitants within each pariſh, precinct, and place, were to be elected and appointed as committees to aſſiſt in carrying the ſaid acts into execution, within their reſpective pariſhes, precincts, and places: and whereas ſome further powers and authorities are neceſſary to be given, and ſome further regulations made, in order to effect the purpoſes aforeſaid:* May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the veſtrymen of the ſeveral pariſhes of *Saint James*, *Saint Margaret*, *Saint John the Evangeliſt*, *Saint Martin in the Fields*, *Saint George*, *Hanover Square*, and *Saint Paul*, *Covent Garden*, within the city and liberty of *Weſtminſter*, and of the pariſhes of *Saint Giles in the Fields*, and *Saint George*, *Bloomsbury*, in the county of *Middleſex*, and the inhabitants who have a right to aſſemble in veſtry, or other publick meetings of the ſeveral pariſhes of *Saint Anne*, within the liberty of *Weſtminſter* aforeſaid, and of *Saint Clement Danes*, and *Saint Mary le Strand*, as well within as without the liberties of the ſaid city and the precinct of the *Savoy*, and of the pariſhes of *Saint Andrew*, *Holborn*, *above the Bars*, and *Saint George the Martyr*, and of the liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, in the ſaid county of *Middleſex*, (except ſuch part of the laſt-mentioned liberty as has been paved, lighted, and cleanſed by virtue of an act of parliament, intituled, *An act for the better paving, cleanſing and enlightening the city of* London, *and the liberties thereof, and for preventing obſtructions and annoyances within the ſame, and for other purpoſes therein mentioned; and for repealing an act made in the ſixth year of his preſent Majeſty's reign, for thoſe purpoſes*; ſhall, and they are hereby reſpectively impowered and required to meet and aſſemble in the veſtry-rooms, or other uſual places of meeting, for tranſacting the publick buſineſs of ſuch pariſhes, precincts, and places, upon the ſecond *Thurſday* after the paſſing of this act, or within eight days afterwards, between the hours of ten in the morning and two in the afternoon, and to elect and appoint an additional number of commiſſioners for carrying the ſaid acts, and this act, into execution, as herein after mentioned; (that is to ſay,) three

Veſtrymen and inhabitants may meet and chuſe additional commiſſioners within their reſpective pariſhes, who are to be joined with the preſent commiſſioners.

three perſons for the pariſh of *Saint Margaret, Weſtminſter*; three perſons for the pariſh of *Saint John the Evangeliſt*; three perſons for the pariſh of *Saint Martin in the Fields*; three perſons for the pariſh of *Saint George, Hanover Square*; three perſons for the pariſh of *Saint James*; three perſons for the pariſh of *Saint Anne*; three perſons for the pariſh of *Saint Paul, Covent Garden*; three perſons for the pariſh of *Saint Clement Danes*, and ſo much of the duchy of *Lancaſter* as lies in the ſaid pariſh of *Saint Clement Danes*; three perſons for the pariſh of *Saint Mary le Strand*, and ſo much of the duchy of *Lancaſter* as lies in the ſaid pariſh of *Saint Mary le Strand*; three perſons for the pariſh of *Saint Giles in the Fields*; three perſons for the pariſh of *Saint George, Bloomſbury*; three perſons for ſuch part of the pariſh of *Saint Andrew, Holborn*, as lies in the liberty above the bars; and three perſons for the liberty of *Saffron Hill, Hatton Garden*, and *Ely Rents*; three perſons for the pariſh of *Saint George the Martyr*; and one perſon for the precinct of the *Savoy*; which ſaid perſons, ſo to be elected and appointed as aforeſaid, ſhall be, and are hereby joined with the commiſſioners appointed or elected, or to be elected by virtue of the ſaid act of the ſecond year of his preſent Majeſty, for putting the ſaid ſeveral before-mentioned acts, and this act, in execution, and ſhall be veſted with the like powers and authorities, in all reſpects whatſoever, as thoſe commiſſioners are veſted with.

Additional commiſſioners to be houſeholders reſident within their pariſh.

II. Provided always, That no perſon ſhall be capable of being elected or appointed a commiſſioner by virtue of this act, or of acting as ſuch, who ſhall not be a houſeholder and reſident within ſuch part of the pariſh, precinct or place, for which he ſhall be elected or appointed, as ſhall be within the limits of the ſaid former acts and this act; and when any of the commiſſioners to be elected or appointed by virtue of this act ſhall die, reſign, refuſe to act, or ſhall ceaſe to be houſeholders and reſidents as aforeſaid; that then, and as often as either of the ſaid caſes ſhall happen, the ſaid veſtrymen reſpectively, or other inhabitants having a right to aſſemble in veſtry, or publick meetings where there is no ſelect veſtry, in and for ſuch pariſhes, precincts and places, ſhall, from time to time, elect and appoint one other commiſſioner, in the place of every commiſſioner ſo dying, reſigning, or refuſing to act, or being incapable of acting.

Veſtrymen and inhabitants to chuſe committeemen to aſſiſt in the execution of this act.

III. And, for the better effecting the purpoſes of the ſaid ſeveral acts and this act, be it further enacted, That the veſtrymen, or other inhabitants having a right to aſſemble as aforeſaid, within the ſeveral pariſhes, precincts, or places aforeſaid, ſhall aſſemble in the veſtry-rooms, or other places of meeting as afore-mentioned, upon the ſecond *Thurſday* after the paſſing this act, or within eight days then after; and alſo on the ſecond *Thurſday* in the month of *February*, annually afterwards, between the hours of ten in the morning and two in the afternoon, and ſhall elect and appoint any number of perſons, being houſeholders, reſident in ſuch pariſh, precinct or place, not

not exceeding twenty-one, nor less than seven; and the persons so elected and appointed shall be, and are hereby constituted a committee for the better carrying the several purposes of the said acts, and this act, into execution, within their respective parishes, precincts and places, and for superintending and inspecting all or any of the works carrying on or performed by virtue of the said former acts and this act, within their respective parishes, precincts and places, and for examining the several bills relative thereto, and for certifying to the commissioners such bills and other allowances for payment as they shall find to be fair and just, or objecting to the payment of such as shall be found otherwise (the salaries allowed by the commissioners to their officers, and the contingent expences of the commission only excepted) on which certificates for payment, but not without, (except as aforesaid) the said commissioners, or any three or more of them, shall, from time to time, when they have approved of such bills, order the same to be paid.

Qualification of commissioners.

IV. And be it further enacted, That no person elected and appointed a commissioner by virtue of this act, shall be capable of acting as such, unless he shall be, in his own right, in the actual possession or receipt of rents and profits of lands, tenements or hereditaments, either freehold or copyhold, of the clear yearly value of three hundred pounds, or possessed of or intitled unto a personal estate to the amount or value of ten thousand pounds, or be heir apparent of a peer or lord of parliament; and that no person elected or appointed a committee-man by virtue of this act, shall be capable of acting as such, unless he shall be then resident and an householder in the said parish or place, and seised and possessed of a real or personal estate, or real and personal estates together, of the value of two thousand pounds.

Commissioners shall not be concerned in any contract, &c.

V. Provided always, and be it enacted, That no person already appointed, or hereafter to be elected a commissioner by virtue of all or any of the before-recited acts, or of this act, shall be capable of acting as such, who shall hold any office of profit, or have any share, or be any way interested or concerned in any contract or work to be done in or about the execution of any of the powers of the said former acts, or of this act, nor shall any person to be elected a committee-man as aforesaid be capable of acting as a committee-man, who shall hold any office of profit, or have any share, or be any way interested or concerned in, any contract or work to be done by virtue or in pursuance of this present act; but every such commissioner and committee-man shall, in any or either of such cases, be thenceforth for ever disqualified to act as a commissioner, or committee-man; any thing herein contained to the contrary notwithstanding: and in case any such person not being qualified, or so disqualified as aforesaid, for a commissioner, shall nevertheless presume to act as a commissioner in the execution of the said former acts, or this act, every such person shall, for every offence, forfeit and pay the sum of five hundred pounds, to any

Commissioners acting without being qualified, to forfeit 500 l.

any perſon or perſons who will ſue for the ſame; and in caſe any ſuch perſon not being qualified, or ſo diſqualified as aforeſaid, for a committee-man, ſhall nevertheleſs preſume to act as a committee-man, every ſuch perſon ſhall, for every offence, forfeit and pay the ſum of one hundred pounds, to any perſon or perſons who will ſue for the ſame, ſuch reſpective forfeitures to be recovered in any of his Majeſty's courts of record, by action of debt or on the caſe, or by bill, ſuit, or information, wherein no eſſoin, protection, wager of law, or more than one imparlance ſhall be allowed; and every ſuch perſon ſo proſecuted ſhall prove he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid reſpective penalties, upon proof given of his having acted as a commiſſioner or committee-man, as the caſe may be, in the execution of the ſaid acts, or of this act.

Except the maſter of the rolls and dean of Weſtminſter.

VI. And be it further enacted by the authority aforeſaid, That the right honourable the maſter of the *Rolls* for the time being, and the dean of *Weſtminſter* for the time being, ſhall be commiſſioners for putting the ſaid former acts and this act in execution, and that their being ſuch ſhall be a ſufficient qualification to them; any thing in the ſaid former acts, or this act, to the contrary notwithſtanding.

Committees may meet and adjourn.

VII. And be it further enacted, That the ſaid committees ſhall meet in the veſtry-rooms, or other places of meeting as aforementioned, within fourteen days after they ſhall have been choſen as aforeſaid, and may adjourn from time to time, and meet there, or at any other place or places within the ſaid pariſhes, precincts, or places reſpectively, as often as they ſhall think fit; and they, or any five or more of them, ſhall have authority, and are hereby impowered to ſee that all contracts heretofore made and entered into for any works to be done within their reſpective pariſhes, precincts, and places, are well and duly performed and executed according to the terms and conditions of all ſuch contracts; and they are alſo to examine into, and to hear all complaints which ſhall be made to, or brought before them, by any of the inhabitants or any other perſon or perſons, againſt any contractor or contractors, by examination of witneſſes upon oath, (which oath the committee, or any three or more of them, are hereby authoriſed and impowered to adminiſter;) and the ſaid reſpective committees, or any three or more of them, ſhall ſurvey the works, or enquire into the matters which are the ſubject ſo the complaint, and report the ſame, and the examinations ſo taken, to the ſaid commiſſioners at their next or ſecond meeting after ſuch complaint made and ſurvey taken, or enquiry made; and upon ſuch report being made to the ſaid commiſſioners, they the ſaid commiſſioners ſhall and are hereby required, from time to time, to impoſe a fine or fines upon every ſuch contractor for nonperformance of his contract, as they are authoriſed and impowered by the ſaid former acts, any or either of them, to do, according to the nature and degree of the offence; and if it ſhall happen that there ſhall not appear three or more

Duty of committee-men.

more of ſuch committee-men at any meeting which ſhall be appointed to be had or held, then, and in ſuch caſe the clerk to ſuch committees reſpectively ſhall, and is hereby required, to ſummon the whole committee to meet at the place where the laſt meeting was appointed, within eight days then next following; and ſuch committees ſhall, at all their meetings, bear their own expences; but no act of any ſuch committee ſhall be valid, unleſs made or done at ſome meeting to be held in purſuance of this act, at which meeting not leſs than three, five or more committee-men, as required by this act, ſhall be preſent; and all the powers and authorities by this act granted to or veſted in ſuch committees, ſhall and may, from time to time, be exerciſed by the major part of the committee-men who ſhall attend at any publick meeting to be holden as herein before-mentioned, the number of ſuch committee-men preſent at ſuch meeting not being leſs than three or five, as required by this act; and all the orders and proceedings of the major part of ſuch committee-men ſo aſſembled ſhall have the ſame force and effect as if done or made by all the committee-men for the time being.

Committees may appoint officers,

VIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid reſpective committees, not leſs than five committee-men being preſent at any meeting, or meetings, to be held in purſuance of this act, to appoint a clerk, and alſo to appoint one or more ſuperviſor or ſuperviſors, collector or collectors, inſpector or inſpectors, and ſhall take ſuch ſecurity for the due execution of ſuch of their reſpective offices, as the ſaid reſpective committees ſhall think proper, and may likewiſe, from time to time, remove all ſuch clerks, ſuperviſors, collectors or inſpectors, and appoint others in the room of ſuch of them as ſhall be ſo removed, or that ſhall die, and appoint ſuch ſalaries and other allowances to them, for and in conſideration of his and their trouble in executing his or their office and offices reſpectively, and alſo ſuch allowances to ſuch other perſon or perſons as ſhall be aiding and aſſiſting in and about the execution of this act, as the ſaid reſpective committees ſhall think reaſonable; all which ſalaries and allowances ſhall be paid, from time to time, as the ſame ſhall become due and payable in manner herein-after directed; and every ſuch committee may diſcontinue and not fill up the vacancy to be occaſioned by the death or removal of any ſuperviſor or inſpector, whenever any of the ſaid committees reſpectively ſhall think ſuch officer unneceſſary for them; but if any perſon ſo appointed clerk, ſupervi-ſor, collector or inſpector, ſhall exact, take or accept any fee or reward whatſoever, other than ſuch ſalaries and allowances as ſhall be appointed, allowed, and approved of by the reſpective committees for or on account of any thing done or to be done by virtue of this act, or on any account whatſoever relative to putting the ſaid acts, or this act, in execution, or ſhall be any-ways concerned in intereſt in any bargain made, or to be made, relative to this act, every ſuch perſon ſo offending in any ſuch caſe, ſhall be incapable of ever ſerving under this act, and ſhall, over and above,

who ſhall not be concerned in contracts, &c.

above, forfeit the ſum of one hundred pounds, to any perſon or perſons who ſhall ſue for the ſame, by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record, within ſix calendar months next after the offence committed; in which ſuit no eſſoin, protection or wager of law, or more than one imparlance, ſhall be allowed: provided always, that the inſpector or inſpectors ſhall be elected annually, and that the ſalary of each ſuch inſpector ſhall be allowed and confirmed by the commiſſioners, or any five or more of them, at any of their meetings; and that the office of ſuperviſor in each of the ſaid pariſhes, precincts, and places, ſhall be diſcontinued when and as ſoon as all the ſaid ſquares, ſtreets, lanes, and places in each and every ſuch pariſh, precinct, and place reſpectively, ſhall be new-paved purſuant to this act.

Proceedings of the committees to be entered in books.

IX. And be it further enacted by the authority aforeſaid, That all the acts, orders, and proceedings of the ſaid committees ſhall, from time to time, be entered in books to be kept for thoſe purpoſes by the clerks to the ſaid committees, and ſhall be ſigned by the chairman of each reſpective committee, at their next meeting; and all ſuch orders ſo ſigned ſhall be deemed and taken to be original orders, and ſhall and may be produced and read in evidence in all courts whatſoever; but no act or order of any of the committees ſhall be valid, unleſs done or made at ſome meeting to be held in purſuance of this act; and all ſuch books and proceedings of the ſaid reſpective committees ſhall and may be peruſed and inſpected, at all ſeaſonable times, by the ſaid commiſſioners, or by their clerk for the time being, or by ſuch other perſon or perſons as the ſaid commiſſioners ſhall appoint for that purpoſe, who may alſo take copies thereof, or extracts therefrom, without fee or reward.

Commiſſioners may order what ſtreets ſhall be paved, &c. and how, ſignifying the ſame to the committees.

X. And be it further enacted, That the ſaid commiſſioners, or any five or more of them, ſhall have authority, and are hereby impowered, from time to time, to order and direct in what manner, and with what materials, all or any of the ſquares, ſtreets, lanes, and places within the reſpective pariſhes and liberties aforeſaid, ſhall be new-paved or repaired, and what number of lamps ſhall be put up and kept lighted therein, and how the ſame ſhall be placed, and how often the ſame ſquares, ſtreets, lanes, and places, ſhall be cleanſed, (having reſpect to the abilities of the inhabitants of the places to be ſo paved, lighted, and cleanſed, and the monies which by virtue of the powers of this act can be raiſed therein), and ſhall ſignify ſuch their orders and directions in writing to the ſaid committees reſpectively, by cauſing a copy or copies of every ſuch order and direction to be delivered to or left for the clerk of each reſpective committee, who ſhall and is hereby required to lay the ſame before every ſuch committee at the next meeting.

Committees are to advertiſe for contractors;

XI. And be it further enacted, That every committee, as ſoon as conveniently may be, and, at fartheſt, within one calendar month, after any ſuch order or direction ſhall be laid before them, ſhall cauſe notice to be given by advertiſement in ſome

ſome or one of the publick newspapers, ſix ſeveral days at the leaſt, that ſuch committee will meet at a time and place to be expreſſed in ſuch advertiſement, at the diſtance of fourteen days or more from the time of the firſt publication of ſuch advertiſement, to receive propoſals from any perſon or perſons willing to contract for paving or repairing, lighting, and cleanſing the particular ſquares, ſtreets, lanes or other places ſo ordered and directed by the ſaid commiſſioners to be paved or repaired, lighted, and cleanſed, agreeable to ſuch orders and directions; and the ſaid committees reſpectively (not leſs than five committee-men being preſent) ſhall and may, and they are hereby impowered, to make any contract or contracts in writing with any fit perſon or perſons, for repairing, or for paving and keeping in repair, lighting, and cleanſing all or any ſuch ſquares, ſtreets, lanes, or places, ſo ordered and directed to be repaired, paved, lighted and cleanſed, every ſuch contract to ſpecify the ſeveral works to be done, the prices to be paid for the ſame, and the time or times when or within which the ſaid works are to be compleated, and the forfeitures or penalties to be borne or ſuffered for the non performance thereof; and being ſigned by five or more committee-men, and by the perſon or perſons contracting to perform ſuch works, ſhall, together with a true copy of every ſuch contract, atteſted by the clerk, and alſo with the original propoſals and copies of all minutes and other proceedings of the committee relative thereto, be tranſmitted to and laid before the commiſſioners at their next meeting; which contract or contracts being by them, or any five or more of them, at that or ſome other ſubſequent meeting, within one month then next, confirmed by ſome proper ſubſcription at the foot thereof, or to be indorſed thereon, and ſigned by five or more of the ſaid commiſſioners, if they ſhall ſo think fit, ſuch contract, and the propoſal on which the ſame is founded, ſhall be returned to the clerk to the reſpective committees, within ſeven days from the time of ſuch confirmation; and if ſuch contract or contracts ſhall be ſo confirmed, then, and not otherwiſe, the ſame ſhall be valid and effectual in law, and carried into execution, and the performance thereof ſhall and may be enforced by action at law, or otherwiſe, by and in the name or names, and at the ſuit of or againſt the committee for the time being, and the contractor or contractors, his or her executors or adminiſtrators, according to the tenor and true meaning thereof; but every ſuch contract not ſo confirmed within the time laſt aforeſaid ſhall be void, and the parties thereto ſhall thenceforth be abſolutely diſcharged of and from the ſame, and every covenant, promiſe, and engagement therein contained, both at law and in equity, as if the ſame had never been made; and the committee making ſuch contract or contracts ſo not confirmed, as ſoon after as the ſame ſhall ſo become void, and ſo *toties quoties*, ſhall and may again advertiſe for propoſals in manner aforeſaid, and make any freſh contract or contracts, and tranſmit the ſame, with the copy or copies thereof, for confirmation in manner aforeſaid, together

and to enter into contract for paving, &c.

Contracts ſhall be binding until confirmed by commiſſioners.

gether with all the propoſals and proceedings of the committees relative thereto; and ſuch contract or contracts ſhall and may be confirmed or made void in manner aforeſaid, at the diſcretion of the ſaid commiſſioners, in the ſame or like manner as before enacted or directed.

How ſtreets, &c. which lie in two pariſhes ſhall be paved.

XII. And be it further enacted by the authority aforeſaid, That wherever it ſhall be found that any of the ſquares, ſtreets, lanes, or places, ſubjected to the powers of this act, are lying in two or more pariſhes, precincts, or liberties, the commiſſioners for the time being ſhall and may, and are hereby impowered to order and direct the whole of any ſuch ſquare, ſtreet, lane, or place, to be paved or repaired, lighted, and cleanſed, by and under the direction of the committee of any or either of the ſaid pariſhes, precincts, or liberties, and to order and direct what ſum in groſs ſhall be paid by the committee or committees of the other of the ſaid pariſhes, precincts, or liberties, towards and in reſpect of the charges of paving and ſetting up lamp-irons, removing obſtructions, and other incidental expences; and alſo what annual, quarterly, or other ſums ſhall be paid by ſuch other committee or committees, towards and in reſpect of the repairing and keeping in repair, lighting, and cleanſing the ſame, to the committee by whom or under whoſe directions, ſuch ſquare, ſtreet, lane, or place, ſhall be ſo paved or repaired, or kept in repair, lighted, and cleanſed; and that ſuch groſs ſum ſhall be paid accordingly, by and out of the monies to be raiſed by the additional rate; and ſuch annual, quarterly, or other ſums, ſhall be paid accordingly, by and out of the other rate or aſſeſſment hereby directed to be made and aſſeſſed, for the purpoſes of repairing, cleanſing, and lighting, by the committee, or committees, by whom the ſame ſhall be ſo directed to be paid.

How payments for ſubſiſting contracts ſhall be made.

XIII. Provided always, and it is hereby enacted and declared, That for and in reſpect of all ſuch contracts as have been heretofore made and entered into by the commiſſioners appointed by virtue of the ſaid former acts, to and with any perſon or perſons, for repairing, lighting, or cleanſing, any of the ſquares, ſtreets, lanes, and places aforeſaid, for any time or term yet ſubſiſting, and not expired, the committees to be choſen in and for every the pariſhes, precincts, and places reſpectively, in which the ſquares, ſtreets, lanes, and places to be repaired, lighted, and cleanſed, in purſuance of every ſuch ſubſiſting contract lies, ſhall, and are hereby impowered and required (a true copy of every ſuch contract, ſigned by the clerk to the ſaid commiſſioners, being firſt laid before them) to direct, order, and cauſe the monies which ſhall be collected by virtue of the rates or aſſeſſments herein and hereby directed to be made (the ſaid additional rate and rates only excepted) or ſo much thereof as ſhall be neceſſary and ſufficient for that purpoſe, to be paid to the treaſurer or treaſurers of the ſaid commiſſioners, for the enabling the ſaid commiſſioners to apply, and to be by them applied, in payment and ſatisfaction of the future growing payments to become due and payable upon, and by virtue of, ſuch ſubſiſting contracts.

XIV. And

When ſubſiſting contracts expire, committees may adverti ſe for freſh contracts.

XIV. And be it enacted by the authority aforeſaid, That when and as often as the time for the doing all or any part of the work or buſineſs to be done, or finding and providing materials to be provided, by and in purſuance of ſuch now-ſubſiſting contract or contracts, ſhall expire; then, and from thenceforth, the committee to be choſen in and for the pariſh, precinct, or place, in which the ſquares, ſtreets, lanes, and places do lie, which are compriſed in, and to be repaired, lighted, or cleanſed, under and by virtue of ſuch contract or contracts, ſhall and may, by order of the commiſſioners, adverti ſe for, and receive propoſals, and make any contract or contracts, ſubject to the controul and confirmation of the ſaid commiſſioners, either for repairing, cleanſing, and lighting, or for new-paving, cleanſing, and lighting the ſquares, ſtreets, lanes, and places compriſed in ſuch expired contract or contracts, theretofore contracted to be repaired, cleanſed, and lighted as aforeſaid, in theſame or like manner as the ſaid committees reſpectively are herein before directed and enabled to adverti ſe for propoſals, and make original contracts for paving, or for repairing, lighting, and cleanſing any ſuch ſquares, ſtreets, and lanes, as have not been hitherto paved, lighted, and cleanſed, by virtue of any of the acts of parliament herein before recited.

All contracts to be made between firſt January and firſt July.

XV. And be it further enacted by the authority aforeſaid, That no contract ſhall, at any time, be made or entered into, in any year, by virtue of this act, but between the firſt day of *January* and the firſt day of *July*, except in caſes of death of the contractors, or in caſes of failure of contract; any thing contained in any of the before-mentioned acts to the contrary hereof notwithſtanding.

The buſineſs of the ſurveyor and of the inſpectors.

XVI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyor or inſpector, appointed or to be appointed by the ſaid commiſſioners for the time being, to ſurvey, view, and inſpect, within all and every the ſquares, ſtreets, lanes, and places hereby ſubjected to the powers of this act, and alſo to and for the ſuperviſor or inſpector, to be appointed by each and every of the ſeveral committees reſpectively, to view and inſpect, within the ſeveral and reſpective pariſhes, precincts, and places, in and for which every ſuch ſuperviſor or inſpector ſhall have been appointed, as well all and every the works done or begun to be done, as alſo to view the condition of the pavements of the ſaid ſeveral ſquares, ſtreets, lanes, and places not begun or contracted to be done, in purſuance of this act, and to and for the ſaid ſurveyor to the commiſſioners, to preſent upon oath to the ſaid commiſſioners, and alſo to and for ſuch ſuperviſors or inſpectors, appointed by the ſeveral committees, to preſent upon oath to the ſaid committees reſpectively (which oath the ſaid commiſſioners, or three or more of them, and the ſaid committees reſpectively, or any three committee-men, are hereby impowered to adminiſter) all defective and bad pavements within the ſaid ſquares, ſtreets, lanes, and places not paved nor begun to be new paved, under

the powers of the ſaid acts, or this act; aud thereupon, or upon the reaſonable complaint and requeſt of any three or more houſe-holders, dwelling in any ſquare, ſtreet, lane, or place, wherein cauſe of complaint ſhall be, in writing under their hands, every ſuch reſpective committee ſhall thereupon give notice thereof to the ſaid commiſſioners, in writing, and ſhall and may cauſe all and every ſuch pavements not under contract, to be well and ſufficiently repaired forthwith, or as ſoon as conveniently may be, and the expence thereof to be defrayed by and out of any monies to ariſe by any rate or rates hereby directed to be made, for the purpoſes of repairing, cleanſing, and lighting; and in caſe ſuch pavements ſo preſented or complained of ſhall be under contract made by or with any ſuch committee to be paved or repaired, and the paving and repairing thereof ſhall not be well and ſufficiently performed, according to the intent and meaning of ſuch contract or contracts, or ſhall not be finiſhed and compleated at or within the time or times that the ſame are or is agreed to be compleated, by the contractor or contractors, the ſupervifor or inſpector appointed by each committee reſpectively ſhall report the ſame to ſuch committee at their next meeting, and the ſaid ſurveyor or inſpector to the commiſſioners for the time being ſhall and may report the ſame to the ſaid commiſſioners, at their next or other ſubſequent meeting; and ſuch committee ſhall and may, in the joint names of any two or more of them, bring, inſtitute, commence, and proſecute an action of debt, in any of his Majeſty's courts of law at *Weſtminſter*, againſt any perſon or perſons ſo contracting, and not performing any ſuch contract or contracts, for any or all the penalty and penalties contained in ſuch contract or contracts, within one month next after ſuch report made to the ſaid committee; and if the ſaid committee ſhall not, within one month next after ſuch report made to them, bring, inſtitute, and commence ſuch action; then, and at any time then after, it ſhall and may be lawful to and for the commiſſioners for the time being, if they ſhall ſo think fit, in the joint names of any two or more of them, or in the name of any perſon appointed by them, or any three or more of them, for that purpoſe, to bring, inſtitute, commence, and proſecute an action or actions of debt, againſt the contractor or contractors, in ſuch court for ſuch penalty and penalties, and in ſuch manner, as the committees reſpectively are herein before directed or enabled to do; and on proof of the ſigning the ſaid contract or contracts, and nonperformance thereof, at the time or times therein for that purpoſe mentioned, the plaintiffs, in every ſuch action, ſhall be intitled to, and ſhall recover ſuch penalty or penalties, which, when received, ſhall be applied for the purpoſes of this act, within the pariſh, precinct, or place in which the cauſe of action aroſe, and not otherwiſe or elſewhere.

Streets, &c. belonging to palaces exempted.

XVII. Provided always, and it is hereby further enacted and declared, That nothing in this act, or any of the ſaid former acts contained, ſhall authoriſe or require the ſaid commiſſioners, or

or committee of any parish, precinct, or place, to pave, repair, cleanse, or light the streets, lanes, courts, yards, or any other place or places, situated before or belonging to any royal palace, ground, or building, which now belongs or hereafter shall belong to his Majesty, his heirs or successors, any thing in this act, or in any of the former acts contained to the contrary notwithstanding.

Also squares and places which are under particular acts.

XVIII. And be it enacted, That nothing in this act contained shall extend, or be construed to extend to *Golden Square*, *Red Lyon Square*, or to any other square, street, or place, now paved, cleansed, and lighted, under any particular act of parliament.

A certain part of Saint Margaret and Saint John exempted until the inhabitants are of ability to contribute towards paving, &c.

XIX. *And whereas there are several streets and places within the united parishes of* Saint Margaret *and* Saint John the Evangelist, *where the inhabitants are not of ability to raise money sufficient to defray the expence of new-paving or repairing, cleansing, and lighting such streets and places, under the regulations of this act*; be it therefore enacted and declared, That it shall not be lawful for the said commissioners appointed to put this act in execution, to order or direct any of the streets or places within the said parishes of *Saint Margaret* and *Saint John the Evangelist*, to be new-paved or repaired, cleansed, or lighted, except the several streets and places herein after-mentioned; (that is to say) *Parliament Street*, *Darby Street*, *Downing Street*, *King Street*, *Fludyer Street*, *Crown Street*, *Crown Court*, *Charles Street*, *New Charles Street*, *Duke Street*, *Delahay Street*, *Great George Street*, *Little George Street*, *Canon Row*, *Brewers Yard*, *Dorset Court*, *Manchester Buildings*, *The Fish Market*, *New Court*, *Bridge Street*, *Little Bridge Street*, *Union Street*, *Saint Margaret Street*, *Abingdon Street*, *Little Abingdon Street*, *Milbank Street* to the Horse *Ferry*, *Market Street*, to the high road near the *Burial Ground*, *Great Queen Street*, *Little Queen Street*, *Princes Court*, *Park Prospect*, *Long Ditch*, *Broken Cross*, *Great Sanctuary*, *Little Sanctuary*, *Old Tothil Street*, *Dartmouth Street*, *Dartmouth Row*, *Broad Way*, the street leading from the *Broad Way* to *Queen's Square*, *Queen's Square*, *Petty France*, and *James Street*, and such other streets and places, or parts of streets and places, as are already new-paved, cleansed, and lighted, under the direction of the commissioners appointed by the said former acts; nor shall any rate or assessment be made by virtue of this act, for the purposes of paving, repairing, cleansing, or lighting any part of the said parishes, other than as herein before mentioned, any thing in this act, or in any former act, to the contrary hereof in any wise notwithstanding.

Proviso.

XX. Provided nevertheless, That if at any time hereafter any streets or places within the limits which are exempted from being paved, repaired, lighted, and cleansed as aforesaid, shall become so advanced in rents as that the inhabitants thereof shall, in the opinion of the commissioners, be of ability to contribute a reasonable sum to the paving, repairing, lighting, and cleansing the same, under the authority of this act, then, and from thenceforth, such particular streets and places shall be subject to be paved, repaired, lighted, and cleansed, in such manner, and by such

such ways and means, as the ſeveral ſquares, ſtreets, lanes, and other places, which are under the direction of the ſaid commiſſioners or committee-men, can or may be paved, repaired, lighted, and cleanſed.

Such parts of the ſaid pariſhes ſo exempted to remain under former acts of parliament.

XXI. And be it further enacted, That all the ſtreets and places within any of the ſaid pariſhes of *Saint Margaret* and *Saint John the Evangeliſt*, not ſubject to be paved, repaired, cleanſed, or lighted as aforeſaid, ſhall ſtill remain ſubject to the powers and proviſions of ſuch former acts of parliament, as do now, or did before the making of this act, extend to ſuch other ſtreets and places, any thing contained in this preſent act to the contrary hereof in any-wiſe notwithſtanding.

Inhabitants liable to be charged for paving, &c. by this act, exempted from former laws.

XXII. And be it further enacted, That all and every the inhabitants, owners and occupiers, of all and every or any lands, grounds, houſes, ſhops, warehouſes, wharfs, coach-houſes, ſtables, cellars, vaults, buildings, tenements, or hereditaments, in all and every the ſquares, ſtreets, lanes, and places hereby directed to be paved, or to be repaired, lighted, and cleanſed, ſhall, from and after the twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy one, be abſolutely exonerated, diſcharged, and indemnified from and againſt the execution and ſervice of the office of ſcavenger, in and for the ſeveral pariſhes, precincts, and places, wherein ſuch ſquares, ſtreets, lanes, and places are ſituate and lying, and of and from the hanging out lights in ſuch ſquares, ſtreets, lanes, and places, and all preſentments and returns of any annoyance jurors, conſtables, or other officers, (other than and except the inſpectors hereby directed to be appointed,) for and in reſpect of dangerous or defective pavements, defaults of lighting, and all annoyances in, obſtructions of, and encroachments upon, all or any of the ſaid ſquares, ſtreets, lanes, and places, and all pains, penalties, duties, and ſervices, for or concerning any ſuch annoyances, obſtructions, incroachments, or dangerous or defective pavements, and defaults of lighting; and that the ſeveral acts of parliament made in the ſecond and third years of their late majeſties King *William* and Queen *Mary*, of the nineteenth year of his late majeſty King *George* the Second, and of all and every other act and acts of parliament whatſoever, ſo far as the ſame or any or either of them do or does concern any ſuch annoyances, obſtructions, incroachments, dangerous or defective pavements, and hanging out lights in any of the ſquares, ſtreets, lanes and places, hereby directed to be paved or to be repaired, lighted, and cleanſed; and alſo ſo much of the before-recited act of the third year of his preſent Majeſty, as relates to and impowers the ſurveyor to the ſaid commiſſioners or any other perſon or perſons to be by them appointed for that purpoſe, to view the condition of the ſquares, ſtreets, and lanes, within the ſeveral pariſhes, precincts, and places, intended to be ſubject to, and within the powers of this preſent act, and to preſent on oath all or any defective and bad pavements therein, and to give notice thereof as therein mentioned, and the repairing the ſame, and the charging the expence

pence of ſuch reparations on any ſuch inhabitants, occupiers or owners of any houſes or other buildings as therein expreſſed; and all pains, penalties, and charges, which ſuch inhabitants, occupiers or owners, ſhall or may be liable to by force of the ſaid ſeveral acts of the third and fourth of *William* and *Mary*, and twenty-ninth of *George* the Second, and of that part and ſo much of the third of his ſaid preſent Majeſty, as is herein before recited; and alſo ſo much and ſuch part of all, or every of the herein recited or any other act or acts of parliament, as directs or veſts the power of paving, repairing, lighting, or cleanſing all or any of the ſquares, ſtreets, lanes, or places, hereby ſubject to the powers of this act, to be in the commiſſioners appointed by or in purſuance of the before-recited acts, or any of them, or veſts in them the property of all or any ſtones or other materials of or in any of the ſaid ſquares, ſtreets, lanes, and places laſt mentioned, in the ſaid commiſſioners, ſhall be, and are and is hereby repealed.

All former acts, ſo far as they reſpect places under this act, are repealed.

XXIII. And be it further enacted by the authority aforeſaid, That from and after the paſſing of this act, any thing in the herein before-recited acts, or any or either of them, contained to the contrary norwithſtanding, the property of all and every the pavements in all and every the ſquares, ſtreets, lanes, and places, within each and every of the pariſhes, precincts, and places, ſubjected to the powers of this act, and the lamps, iron, timber, and all other materials and things, which ſhall be made uſe of for the purpoſes of this act, and alſo the property of all and every the ſtones, poſts, and old materials of every kind, belonging to the old or preſent pavements, as well of the carriage-ways as of the foot-ways, within each and every the ſaid pariſhes, precincts, and places, (except in ſuch ſtreets and places as have been paved by virtue of a clauſe in the ſaid act of the fifth year of his preſent Majeſty's reign, commonly called *The Optional Clauſe*), ſhall be, and is and are hereby veſted in the committee for the time being, of each and every ſuch pariſh, precinct, and place reſpectively; and the committee of every ſuch pariſh, precinct, and place reſpectively, or the major part of ſuch of them as ſhall be aſſembled at any of their meetings, ſhall and may, if they ſhall ſo think fit, authoriſe and impower any perſon or perſons with whom ſuch committee ſhall contract in manner herein mentioned and directed, to take all or any ſuch old ſtones, poſts, or other materials, at a price or prices to be ſpecified in any contract or contracts ſo to be made, and to make uſe of ſuch of the ſaid ſtones or other materials, as ſhall, by ſuch contract or contracts, be deemed proper and fit for uſe, in or about the new-paving or repairing, or other works contracted to be done within the ſame pariſh, precinct, and place, ſuch price or prices to be allowed to the contractor or contractors for and in payment of the monies to be paid to him or them, or otherwiſe ſuch major part of every ſuch committee ſhall and may, and are hereby impowered from time to time, to ſell and diſpoſe of any ſuch ſtones or other old materials, or any part or

Old pavements, and all materials, old and new, veſted in the committee.

parts thereof, to any perſon or perſons who ſhall be willing to purchaſe the ſame, and to apply the monies ariſing by ſuch ſale in manner herein after mentioned; and if any perſon or perſons, to whom any ſuch ſtones or other materials ſhall be ſold, ſhall refuſe or neglect to pay for the ſame for the ſpace of ten days after the ſale thereof, or other time limitted for payment of ſuch purchaſe-money, it ſhall and may be lawful for the ſaid committee, or any three or more of them, to direct and cauſe an action or actions to be brought and proſecuted in the names of any two or more of them, againſt any the purchaſer or purchaſers of any ſuch materials, for recovery of the monies due and payable for any ſuch materials ſo ſold, in which action or actions, no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed; and ſuch major part of every ſuch committee ſhall and may, and are hereby alſo impowered, from time to time, if they ſhall ſo judge fit and expedient, to hire or take at a rent any piece of ground to carry to, lay, and diſpoſe of, all or any of the ſaid ſtones or other materials, during ſuch time, and until there ſhall be occaſion to make uſe of, or a fit opportunity to make uſe of, or to ſell and diſpoſe of the ſame; and in caſe any perſon or perſons ſhall, without the conſent or authority of ſuch major part of ſuch committee, take, carry away, or convert to his, her, or their own uſe or uſes, or ſhall ſteal any, or any part of ſuch ſtones, poſts, or other materials, or any other ſtones, lamps, iron, timber, or other materials or things, the property whereof is hereby veſted in the committee for the time being, of any of the pariſhes, precincts, and places ſubjected to the powers of this act, it ſhall and may be lawful to and for the major part of ſuch committee as ſhall be aſſembled at any of their meetings, to bring, or cauſe to be brought, any action or actions, in the name or names of any two or more of them, or to prefer or cauſe, direct or order, the preferring of any indictment or indictments, againſt any perſon or perſons who ſhall take, or carry away, or ſhall ſteal any or any part of any ſuch materials or things; and if any perſon or perſons ſhall wilfully or maliciouſly break, deſtroy, or otherways damage or ſpoil, any of the ſaid materials or things, or any works done, or begun to be done, in purſuance of this act, or take up any pavement, under any pretence whatſoever, without the conſent of the ſaid committee, or any three or more of them, (except the caſes of fire, or alarms of fire), every perſon ſo offending, and being thereof convicted by the oath of one or more witneſs or witneſſes, before any one or more juſtice or juſtices of the peace for the county of *Middleſex*, or for the city and liberty of *Weſtminſter*, as the caſe ſhall be, ſhall, for the firſt offence, forfeit any ſum not more than forty ſhillings, nor leſs than ten ſhillings; and for the ſecond, and every other offence, any ſum not exceeding three pounds, nor leſs than twenty ſhillings; to be levied and recovered by diſtreſs and ſale of the goods and chattels of every ſuch offender, by warrant under the hand and ſeal, or hands and ſeals, of the juſtice or juſtices before whom ſuch conviction ſhall be made, every

every ſuch forfeiture and every the ſum or ſums of money to be recovered by or in every or any ſuch action and actions to be brought as aforeſaid, and every ſum and ſums of money to ariſe by the ſale of all or any ſuch materials ſo ſold as aforeſaid, when received, ſhall be paid into the hands of the banker or bankers, to be choſen and approved of as herein after mentioned, or into the bank of *England*, to the account of the pariſh, precinct, or place, in which the offence was committed, or by order of whoſe committee the ſame was recovered or received; and the ſame, and every part thereof, ſhall be iſſued, paid, and applied for and towards repairing, lighting, and cleanſing the ſquares, ſtreets, lanes, and places within the ſaid pariſh, precinct, or place, and in aid of the rates to be made for thoſe purpoſes; and in caſe any perſon or perſons ſo offending and convicted ſhall have no goods or chattels whereon any of the forfeitures laſt-mentioned can be levied; then, and in that caſe, it ſhall and may be lawful to and for one or more ſuch juſtice or juſtices, by warrant under his or their hand and ſeal, or hands and ſeals, to commit ſuch offender or offenders convicted to the houſe of correction, there to remain for any time not exceeding one calendar month, nor leſs than ten days, to be expreſſed in ſuch warrant, to be reckoned from and excluſive of the day of commitment, and not to be diſcharged unleſs upon payment of the full ſum forfeited, until the expiration of the time ſo to be expreſſed.

Committees to meet annually, and make rates for the purpoſes of the act.

XXIV. And be it further enacted, that the ſaid reſpective committees, not leſs than five perſons being preſent, within their reſpective pariſhes, precincts, and places, ſhall, and they are hereby authoriſed and impowered to meet, and ſhall meet, in the veſtry-rooms, or other uſual places afore-mentioned, upon the ſecond *Thurſday* in *June* next, and alſo upon the ſecond *Thurſday* in *June* in every year afterwards, and at any other time or times, as often as occaſion ſhall require; and they, or the major part of them ſhall, make one or more rate or rates, aſſeſſment or aſſeſſments, upon all and every perſon and perſons who do or ſhall inhabit hold, uſe, occupy, poſſeſs, or enjoy any land, ground, houſe, ſhop, wharf, warehouſe, coach-houſe, ſtable, cellar, vault, building, tenement or hereditament whatſoever, within ſuch parts of the ſaid reſpective pariſhes, precincts, and places, (the occupiers of land, ground, houſes, ſhops, wharfs, warehouſes, coach-houſes, ſtables, cellars, vaults, buildings, tenements or hereditaments, in ſuch ſquares, ſtreets, lanes, and places as have been paved under and by virtue of the ſaid optional clauſe only excepted) for the purpoſes of repairing, cleanſing and lighting the ſeveral ſquares, ſtreets, lanes, and other places, within the ſaid reſpective pariſhes, precincts, and places, as are not by any or either of the ſaid former acts exempted from the juriſdiction of the commiſſioners, and for defraying the expence of removing all annoyances and obſtructions therefrom, and all other the neceſſary purpoſes of the ſaid former acts, and this act, (except as to new-paving,) ſo as no ſuch rate or rates, aſſeſſment or aſſeſſments, within any ſquare, ſhall exceed in the whole

whole the ſum of one ſhilling and three-pence in the pound; and within any ſtreet, lane, or other place, the ſum of one ſhilling in the pound, in any one year, according to ſuch proportion of the yearly rent or value as the ſame was aſſeſſed to the rates for the relief of the poor, in the year one thouſand ſeven hundred and ſeventy, within the ſaid reſpective pariſhes, precincts, and places.

Houſes hereafter to be built, how to be rated.

XXV. Provided always, that all houſes, or other buildings, which ſhall hereafter be erected or built within the limits aforeſaid, ſhall be rated and aſſeſſed for the purpoſes of this act, in the ſame manner and proportions as other houſes or buildings ſhall be then aſſeſſed.

Committees may make an additional rate of 6 d. if neceſſary.

XXVI. Provided always nevertheleſs, and be it further enacted, that from and after the ſaid twenty-fifth day of *March*, the ſaid reſpective commitees, not leſs than ſeven perſons being preſent, within their reſpective pariſhes, precincts, and places, ſhall, and they are hereby authoriſed and impowered, annually, or oftener, as occaſion ſhall require, to make a further rate or aſſeſſment in manner aforeſaid, not exceeding ſixpence in the pound in any one year, within all ſuch ſquares, ſtreets, lanes, and other places, or ſuch parts thereof, as ſhall, at the time of making any ſuch rate, be paved by virtue of the ſaid former acts, and this act, or any of them, (except ſuch ſtreets, lanes, and places, as have been paved under and by virtue of the ſaid clauſe, called the *optional clauſe*,) and ſo in like manner within all other the ſquares, ſtreets, lanes, and places within the limits of the ſaid former acts, as ſoon as the pavements thereof reſpectively, or any part thereof, ſhall be compleated, ſo far as the pavements ſo compleated ſhall extend.

Commiſſioners may borrow money on the credit of the rate.

XXVII. And be it further enacted by the authority aforeſaid, that it ſhall and may be lawful to and for the committees within the reſpective pariſhes, precincts, and places, not leſs than ſeven perſons being preſent, and they are hereby impowered, from time to time, when they ſhall judge it neceſſary, to borrow and take up at intereſt ſuch ſum or ſums of money as any perſon or perſons ſhall be willing to lend and advance upon the credit of five-ſixth parts of the ſaid additional rate or aſſeſſment; and by any writing or writings upon vellum or parchment, ſigned by the ſaid committees reſpectively, not leſs than ſeven perſons to aſſign the ſaid five ſixth parts of the ſaid additional rate or aſſeſſment, to any perſon or perſons who ſhall advance and lend ſuch money thereon, as a ſecurity or ſecurities for the ſeveral ſums ſo borrowed with legal or lower intereſt for the ſame, which intereſt ſhall be payable and paid half yearly upon certificates of the committees, and by order of the commiſſioners, in the ſame or like manner as other monies and payments are herein after directed to be paid and made, out of the monies to ariſe by or from the ſaid additional rate or aſſeſſment; and the remaining ſixth part ſhall be depoſited in the bank of *England*, as a ſinking fund, for the purpoſes of paying off the monies borrowed, or for future new-paving, as the committee ſhall think fit.

XXVIII. And

XXVIII. And be it further enacted by the authority aforesaid, that such sum or sums of money, when so received by the said committees, shall be by them deposited in the bank of *England*, and placed to the account of the parish, precinct, or place, by whose committee the same was borrowed or raised, and in which it is to be applied, in the name of the *commissioners for the new-paving, cleansing, and lighting the city and liberty of* Westminster, *and places adjacent*, and shall be issued and applied by the said commissioners, or any five or more of them, for the new-paving any square, street, lane, or place, subjected to the powers of this act, in manner herein after mentioned, and not otherwise. Money received by the committee to be deposited in the bank.

XXIX. And be it further enacted, that there shall be entered in a book or books, to be for that purpose provided and kept by the clerk or clerks to the said committees, all securities for monies so borrowed, and all assignments or transfers thereof, expressing, in words at length, the names, surnames, additions, places of abode, and other descriptions, of all such persons as shall, from time to time, be intituled to such securities, and the sums received upon such securities to which book or books the persons intituled thereto, or interested therein, shall, at all seasonable times, have access, with free liberty to inspect the same, without fee or reward: and if any sum or sums of money shall at any time remain from the said rate or assessment, over and above what shall be sufficient to pay the interest hereby charged thereupon, then such sum or sums of money shall be applied for or towards paving other parts of every the parish, precinct, or place wherein the same was raised, and when the whole of such parish, precinct, or place shall be paved, then, and not before, all the remainder of such surplus shall be applied for or towards paying off the principal so borrowed as aforesaid and for that purpose shall remain in the bank of *England*, until the same shall amount to the sum of five hundred pounds, or one full and equal eighth part of the whole monies borrowed on the security of the said additional rate or assessment, which sum shall be applied for and towards the payment of the money lent and advanced on such additional rate; and no preference, either in the payment of interest or principal, shall be given to any person or persons whatsoever, on account of the priority of advancing any such sum or sums, but that each person shall be a creditor in equal degree, according to the sum or sums so by him, her, or them lent and advanced as aforesaid, For entering securities in books.

XXX. And, to the end such surplus-money last mentioned may be so applied for or towards discharging or reducing the principal monies to be borrowed as aforesaid, be it further enacted, that when, and as often as there shall remain in the bank of *England*, of the monies deposited or paid in as aforesaid, a surplus of the said additional rate laid or assessed on any of the said parishes, precincts, or places, to the amount of five hundred pounds, or one-eighth part of the whole principal monies borrowed as aforesaid, the commissioners are hereby impowered, and on request to them for that purpose made and signified by writing, signed by the major part of not less than seven of the commitee Surplus of rates to be applied in reducing the debts.

mitee of the parish, precinct, or place, to which such surplus belongs, or from whence it arose, may and shall cause notice in writing to be given to or left for each of the creditors or lenders of all the mortgage monies to be so discharged or reduced, or their personal representatives or assigns, at his, her, or their last or usual place of abode, of the commissioners, intention to apply such surplus-money in discharge, or part discharge, as the case shall be, of such mortgage monies at the expiration of three months next after the date of such notice; and every such creditor or lender, his, her, or their representatives or assigns, having had such notice given to or left for him, her, or them, shall be obliged to accept his or her share or proportion thereof at the expiration of the time to be expressed in such notice, or in failure of acceptance thereof, all interest of such share shall from thenceforth cease and not be payabl

Creditors may assign their securities.

XXXI. And it is hereby further enacted, That it shall and may be lawful to and for any person or persons intitled to any of the securities aforesaid, and his, her, or their executors, administrators, or assigns, at any time or times, by writing under his, her, or their hand or hands respectively, to assign or transfer such securities, by indorsement on the back thereof, or otherwise, to any person or persons whatsoever, and witnessed by two witnesses, and so *toties quoties*; and such assignments and transfers, after they shall be respectively entered in the book or books of the said committees in manner aforesaid, shall intitle the person or persons to whom they shall be respectively made, and his, her, and their respective executors, administrators, and assigns, to the benefit of the security or securities so assigned, or transferred and entered.

Houses situated beyond turnpikes, exempted from rates.

XXXII. Provided also, and be it further enacted by the authority aforesaid, That no rate or assessment shall be made or collected by virtue of this act upon any land, house, tenement, or hereditament, situate on the outside of any turnpike-gate, as the same is now fixed, whereat toll is, by the said recited act, passed in the fifth year of his present Majesty, authorised to be taken, or in any road or place not repaired or lighted by virtue of the said former acts, or this act, or such other places as in the opinion of the respective committees, not less than three persons, shall not be within the true intent and meaning of this act.

First rate to commence 25 March 1771.

XXXIII. And be it further enacted by the authority aforesaid, That the first rate or rates, assessment or assessments, directed to be made as aforesaid, shall commence from the twenty-fifth day of *March*, one thousand seven hundred and seventy-one; and every future rate or rates, assessment or assessments, shall commence from the time that the last preceding rate or rates, assessment or assessments ended, and not otherwise, and the monies therein and thereby charged and assessed shall be payable and recoverable quarterly, in manner herein after directed.

How empty houses shall be assessed.

XXXIV. And be it further enacted that where any of the lands, houses, shops, warehouses, wharfs, coach-houses, stables, cellars,

cellars, vaults, buildings, tenements, or hereditaments, within the reſpective pariſhes and places aforeſaid, ſhall, at the time of making any of the ſaid rates or aſſeſſments, be empty, untenanted, or unoccupied, then, and in all ſuch caſes, it ſhall and may be lawful for the ſaid reſpective committees to rate and aſſeſs ſuch premiſes at one half of the rates or aſſeſſments herein before granted, during ſuch time only as ſuch premiſes after making any ſuch rate or rates, aſſeſſment or aſſeſſments reſpectively, ſhall be empty, untenanted or unoccupied; and one half only of ſuch rate or aſſeſſment ſhall be charged on ſuch premiſes reſpectively for and during ſo long time as the ſame ſhall be empty, untenanted, or unoccupied; and in any of the caſes aforeſaid, the ſaid rates or aſſeſſments and all arrears due thereon reſpectively, ſhall be paid by the owners, proprietors or leſſors, or by the firſt or any other tenants or occupiers thereof; and ſuch tenants or occupiers ſhall and may, and is and are hereby reſpectively authoriſed to deduct and detain the ſame out of their rent, and the landlords or owners of ſuch premiſes is and are hereby required to allow ſuch deductions and payments upon receipt of the reſidue of their reſpective rents; and the ſaid reſpective tenants or occupiers ſhall be and are hereby acquitted and diſcharged of and from ſo much of their reſpective rents as the rates or aſſeſſments, and all arrears due thereon, and ſo paid by them reſpectively, ſhall amount unto.

Under-tenants, &c. liable to the rates.

XXXV. And whereas there are many houſes, buildings, lands, grounds, tenements, hereditaments, and premiſes within the limits aforeſaid, which are taken on leaſes for years or otherwiſe, and by the leſſees or tenants, and alſo by landlords or owners thereof, are let out in parts or ſeparate apartments to under-tenants, and other houſes and premiſes let ready furniſhed to lodgers; be it therefore enacted by the authority aforeſaid, that the ſeveral leſſors, landlords, owners, or proprietors, of all ſuch houſes, buildings, lands, grounds, tenements, or hereditaments, ſo let out, or which ſhall hereafter be let out in parts or ſeparate apartments, or ready furniſhed to a lodger or lodgers, ſhall reſpectively be deemed and taken as the occupier thereof, and ſhall be liable and ſubject to the payment of the rates or aſſeſſments directed by this act to be made, raiſed, and levied, according to the yearly rent or value of ſuch premiſes.

How thoſe rates ſhall be recovered.

XXXVI. And, for the more eaſy recovery of ſuch rates or aſſeſſments reſpectively, be it further enacted by the authority aforeſaid, that each and every perſon ſo renting or occupying any ſuch part or ſeparate apartment as aforeſaid, ſhall be liable and compellable to the payment of the ſaid rates or aſſeſſments, and all arrears due thereon, to be recovered in manner herein after directed; and the reſpective occupiers, who ſhall pay ſuch rates or aſſeſſments, or any arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this act, ſhall and may deduct the ſame from and out of the next rent, or any other rent due and payable from him, her, or them to ſuch reſpective leſſor or landlord, owner or proprietor; and the receipt

for ſuch payment ſhall be a ſufficient diſcharge for all and every ſuch tenant or tenants, occupier or occupiers, to his, her, or their landlord, for ſo much money as he, ſhe, or they ſhall pay, or ſhall be levied on the goods and chattels of him, her, or them reſpectively, by virtue of this act.

Rates for houſes of ambaſſadors, &c. to be paid by landlords, &c.

XXXVII. And be it further enacted by the authority aforeſaid, that every rate, tax, or aſſeſſment, which ſhall be made, laid, or aſſeſſed by virtue of this act, for or in reſpect of any houſes, buildings, lands, grounds, tenements, hereditaments, premiſes, which any ambaſſador or reſident, agent, or other publick miniſter of any foreign prince or ſtate, or the ſervant of any ſuch ambaſſador, reſident, agent, or publick miniſter, or other perſon not liable by law to pay ſuch rate or aſſeſſment, now doth, or hereafter ſhall inhabit, ſhall be paid by the landlords, leſſors, owners or proprietors, of all ſuch houſes, buildings, lands, grounds, tenements, hereditaments, or premiſes reſpectively, who ſhall be liable and compellable to the payment thereof, and the ſame ſhall be recovered in manner herein after directed.

How publick buildings and dead walls ſhall be aſſeſſed.

XXXVIII. And foraſmuch as it is reaſonable that all publick buildings, dead walls, and void ſpaces of ground ſhould be rated and aſſeſſed for the purpoſes of this act; be it therefore further enacted by the authority aforeſaid, that it ſhall and may be lawful to and for the ſaid committees within their reſpective pariſhes, precincts, or places, and they are hereby required from time to time, to rate and aſſeſs all pariſh-churches, church-yards, chapels, meeting-houſes, ſchools, inns of court and chancery, halls, ſocieties, markets, warehouſes, wharfs, void ſpaces of ground, and all other publick buildings, whatſoever, ſituate, ſtanding, lying, and being within their reſpective pariſhes, precincts, or places, at a rate not exceeding ſixpence in any one year for every ſquare yard of pavement paved or repaired, cleanſed, and lighted, under and by virtue of this act, or any other, the ſaid former acts belonging to ſuch pariſh-church, church-yard, chapel, meeting-houſe, inn of court and chancery, ſchool, hall, ſociety, market, warehouſe, wharf, dead wall, void ſpace of ground, and other publick buildings reſpectively whatſoever, and which are not charged by virtue of this act by the pound rate, or otherwiſe, which rate or rates, aſſeſſment or aſſeſſments, to be laid upon ſuch pariſh-churches, chapels, and church-yards, ſhall be paid by the reſpective church or chapel-wardens; and the rate or rates, aſſeſſment or aſſeſſments, to be laid upon ſuch meeting-houſes, ſchools, inns of court and chancery, halls, ſocieties, markets, warehouſes, wharfs, dead walls, void ſpaces of ground, and publick buildings, ſhall be paid by the owner or owners, proprietor or proprietors thereof reſpectively; all which rates or aſſeſſments ſhall be recovered and applied as the other rates hereby made payable are to be recovered and applied.

How rates and aſſeſſments in ge-

XXXIX. And, for the better and more effectual recovering the ſaid reſpective rates and aſſeſſments, be it further enacted by the authority aforeſaid, that in caſe any inhabitant, occupier, owner,

owner, or proprietor, or the leſſee of any land, ground, houſe, ſhop, warehouſe, wharf, coach-houſe, ſtable, cellar, vault, building, tenement, or hereditament, within the limits aforeſaid, (and liable to pay any rate or aſſeſſment by virtue of this act) ſhall refuſe or neglect to pay the money rated and aſſeſſed upon him, her, or them reſpectively, and all arrears due thereon, it ſhall and may be lawful to and for the reſpective collectors of the ſaid rates or aſſeſſments to collect and levy ſuch rates or aſſeſſments, by warrant under the hands and ſeals of any two of his Majeſty's juſtices of the peace for the ſaid county of *Middleſex*, or city and liberty of *Weſtminſter*, as the caſe ſhall be, and all arrears due thereon, by diſtreſs and ſale of the goods and chattels of the party ſo neglecting or refuſing to pay the ſame, which ſhall be found either within the ſaid pariſh, precinct, or place, or elſewhere; and if within five days next after ſuch diſtreſs ſhall be made, the ſaid reſpective rates or aſſeſſments, and all arrears due thereon, ſhall not be paid, together with the reaſonable charges of taking and keeping the ſame, the ſaid reſpective collectors ſhall cauſe the ſaid goods and chattels to be ſold, or ſuch part thereof as ſhall be ſufficient to pay the ſaid rates or aſſeſſments, together with all arrears due thereon, and the reaſonable charges of making ſuch diſtreſs and ſale, returning the overplus, and the goods and chattels remaining (if any be) to the perſon or perſons whoſe goods and chattels ſhall be ſo diſtrained and ſold.

neral ſhall be recovered.

XL. And be it further enacted by the authority aforeſaid, that the reſpective collectors of the ſaid rates and aſſeſſments, within the ſaid reſpective pariſhes, precincts, or places, ſhall, once in every week, or oftener if the reſpective committees ſhall ſo direct, pay all the money which they ſhall, from time to time, collect and receive, into the bank of *England*, or to ſuch banker or bankers as the ſaid committees, reſpectively, with the approbation of the ſaid commiſſioners, or any five or more of them, ſhall direct, (except only ſo much and ſuch parts thereof as are herein directed to be paid to the commiſſioners, or their treaſurer, for payment of the monies agreed to be, by the ſaid commiſſioners, paid upon and purſuant to any and every the contracts by them heretofore made and now ſubſiſting, for repairing, lighting, and cleanſing any of the ſquares, ſtreets, lanes, and places aforeſaid.

Collectors to account for rates.

XLI. And be it further enacted by the authority aforeſaid, that the ſaid collector ſhall, as often as thereunto required by any of the ſaid committees, not leſs than three perſons reſpectively, make up true and perfect accounts of all money by ſuch collectors reſpectively received and paid in purſuance of this act, and deliver all ſuch accounts to the reſpective committees, and verify the ſame upon oath, (which oath any three committeemen are hereby impowered to adminiſter,) and every ſuch collector refuſing or neglecting to make up and render ſuch account to the committee requiring the ſame as aforeſaid, and to verify the ſame upon oath as aforeſaid, or to pay over all ſuch monies as ſhall be remaining in his hands, ſhall and may, by warrant

Collector to account on oath.

warrant under the hands and ſeals of two of his Majeſty's juſtices of the peace for the city and liberty of *Weſtminſter*, or for the ſaid county of *Middleſex*, as the caſe ſhall be, upon complaint to them made by any three or more of the ſaid committee-men, and proof thereof by the oaths of two or more credible witneſſes, (which oath the ſaid juſtices are hereby authoriſed and impowered to adminiſter) be committed to the common gaol of the ſaid city and liberty, or of the ſaid county, as the caſe ſhall be, there to remain without bail or mainprize, until he the ſaid collector ſhall have made a fair and true account, and until ſuch money as upon ſuch account ſhall appear to be remaining in his hands ſhall be paid over by ſuch collector, or his ſurety or ſureties, to ſuch perſon or perſons as ſhall be, by ſuch three or more committee-men making ſuch complaint appointed to receive the ſame; but the commitment of ſuch collector to gaol, ſhall not acquit or diſcharge any ſurety or ſureties, ſecurity or ſecurities, that ſhall or may have been taken by or given to any committee, for the due and faithful execution of the office of collector or payment of monies, to be by ſuch collector received by virtue of his ſaid office, or any action, ſuit, or proceſs, commenced or to be commenced, for recovery of any monies ſo received.

If committees neglect to make rates, then the commiſſioners may do it.

XLII. And be it further enacted and declared by the authority aforeſaid, that if the committee for any or either of the pariſhes, precincts, or places included in this act, ſhall omit or neglect to make any rate or aſſeſſment herein before authoriſed and directed to be made, and to raiſe the money by this act directed in manner before mentioned, within ſuch pariſh, precinct, or place reſpectively, for the ſpace of three calendar months, then the commiſſioners for putting the ſaid former acts, and this act, in execution, may and ſhall make ſuch rates or aſſeſſments, which ought to have been made by any ſuch committee as aforeſaid, and cauſe the ſame to be collected, and recovered and money raiſed thereupon, in ſuch manner as the ſaid committees might or ought to have done, any thing herein before contained to the contrary notwithſtanding.

Perſons having an order from the commiſſioners or committees to inſpect poor's rates.

XLIII. And be it further enacted by the authority aforeſaid, that it ſhall be lawful for any perſon or perſons, having an order under the hands of the commiſſioners, or any two or more of them, or of three or more committee-men of each reſpective pariſh, precinct, or place, for that purpoſe, to inſpect and take copies or extracts of any books or rates made for raiſing money for relief and maintenance of the poor within any pariſh, precinct, or place, compriſed in this act; which inſpection, copies, and extracts, the perſon or perſons having the cuſtody of ſuch books or rates reſpectively are hereby required to permit and ſuffer to be made, without fee or reward, by ſuch perſon or perſons appointed as aforeſaid, upon his or their producing ſuch order; and in caſe any perſon or perſons, having the cuſtody of any book or rate, ſhall neglect or refuſe ſo to do within two days after ſuch order ſhall be ſo produced, and ſhewn to him or them, or a copy thereof left at his or their laſt moſt uſual place of abode, he or they

they ſhall, for the firſt offence, forfeit the ſum of forty ſhillings, for the ſecond offence the ſum of three pounds, and for the third and every other offence the ſum of five pounds, to be levied and recovered in like manner as penalties and forfeitures are, by the ſaid act of the fourth year of his preſent Majeſty's reign, to be levied and recovered, and ſhall be applied by the committees for the purpoſes of this act, within the reſpective pariſh, precinct, or place, in which every ſuch forfeiture ſhall be incurred.

So much of former acts as impowers the commiſſioners to make rates, repealed.

XLIV. And be it further enacted, that from and after the ſaid twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy-one, ſo much of the before-mentioned act, made in the ſecond year of the reign of his preſent Majeſty, and of all or any other of the before-mentioned acts as authoriſes or impowers the ſaid commiſſioners to make any rate or rates, aſſeſſment or aſſeſſments, upon any lands, houſes, ſhops, wharfs, warehouſes, cellars, or any other tenements or hereditaments, within the ſeveral pariſhes aforeſaid, or to appoint collectors of all or any ſuch rate or rates, aſſeſſment or aſſeſſments, and alſo as authoriſes and impowers any collector or collectors, by them, or any of them, appointed, or employed, to collect or levy any rate or rates, aſſeſſment or aſſeſſments whatſoever, within any of the pariſhes, precincts, and places aforeſaid, (except as herein is excepted) ſhall be, and is hereby repealed.

Collectors appointed by the commiſſioners may continue to collect arrears of former rates.

XLV. Provided always, that the collector or collectors to the ſaid commiſſioners ſhall and may, nevertheleſs, continue to collect and levy all arrears of any rate or rates, aſſeſſment or aſſeſſments, already rated or aſſeſſed by virtue of the ſaid recited acts, or any of them, by ſuch and the ſame ways and means, and in ſuch and the ſame manner, as they could or might have done in caſe this act had not been made; and that the money to ariſe by ſuch arrears ſhall, from time to time, be paid, applied, and diſpoſed of, for diſcharging all debts, charges, and expences, incurred by the commiſſioners before, and until the twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy-one, for the purpoſes of the ſaid former acts; and if any ſurplus ſhall then after ariſe, the ſame ſhall be applied to the ſame uſes and purpoſes as the monies hereby directed to be rated and aſſeſſed within ſuch pariſhes, precincts, and places reſpectively, are herein directed to be applied and diſpoſed of, and to no other uſe or purpoſe whatſoever.

How arrears of ſcavengers rates ſhall be collected.

XLVI. Provided always, and it hereby enacted and declared, that all and every the arrears and growing payments of all and every the rate and rates heretofore made for raiſing money for or towards paying the charges and expences of any ſcavenger or ſcavengers, for ſweeping and cleanſing the ſtreets, lanes, and paſſages, and for carrying away the dirt, ſoil, and aſhes, ariſing, or to ariſe, or to be made within any of the pariſhes, precincts and places ſubjected to the powers of this act, which now are or hereafter ſhall be or become due or payable until, and at or upon, the twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy one, ſhall and may be collected and levied

by ſuch perſon and perſons, and in ſuch manner, and by ſuch ways and means, and ſhall and may be applied and diſpoſed of to ſuch uſes and purpoſes as the ſame might or could have been collected or applied and diſpoſed of in caſe this act had not been made; any thing herein contained to the contrary notwithſtanding.

Intereſt of money and all other payments ſhall be certified by the committees to the commiſſioners.

XLVII And be it further enacted by the authority aforeſaid, that all and every the payments of intereſt of monies borrowed, and all payments to be made upon and for all and every contract and contracts herein and hereby directed to be made, and all ſalaries, payments, and allowances, charges and expences whatſoever, to be made and given for any thing to be done or contracted for, by each and every the ſaid committees to be choſen as aforeſaid, ſhall be firſt certified to the ſaid commiſſioners by each of the ſaid committees reſpectively, by writing under the hands of three or more of the committee-men, and delivered to the ſaid commiſſioners, or their clerk, at the next or or ſome other ſubſequent meeting of the ſaid commiſſioners, with the ſeveral bills of particulars relating thereto, and thereupon the ſaid commiſſioners (not having any juſt and reaſonable cauſe to the contrary) ſhall, and are hereby directed and required, within twenty-one days after the delivery of every ſuch certificate, to make an order for payment of the ſum and ſums of money to be ſpecified in ſuch certificate, and ſign a draught or order on the proper caſhier or officer of the bank of *England*, for payment thereof at ſight; every ſuch order to be ſigned by three or more of the ſaid commiſſioners.

Perſons may recover money certified by the committees, unleſs ſome juſt cauſe to the contrary.

XLVIII. And be it further enacted by the authority aforeſaid, that if for and upon any ſum or ſums of money which ſhall become due and payable for intereſt of monies to be borrowed as aforeſaid, or for or on account of any contract or contracts to be made by any of the ſaid committees, and confirmed by the ſaid commiſſioners as aforeſaid, or for any incidental charges and expences relating to the putting in execution any of the powers of this act, or to or for any ſalaries, or other payments or allowances to be made and given purſuant to this act, ſuch certificate for payment thereof being ſo made and delivered as aforeſaid, the ſaid commiſſioners (not having and declaring ſome juſt and reaſonable cauſe to the contrary) ſhall not, within twenty-one days next after the delivery of ſuch certificate, make and ſign an order for payment of the monies to be ſpecified or expreſſed in ſuch certificates, it ſhall and may be lawful to and for the perſon or perſons to whom the monies in and by ſuch certificate are expreſſed to be due or payable, to commence, maintain, and proſecute an action or actions in any of his Majeſty's courts of record at *Weſtminſter*, againſt any two or more of the ſaid commiſſioners, but not againſt the committee, or any of them; and in ſuch action no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed.

Commiſſioners ſhall not

XLIX. Provided always, and it is hereby further enacted and declared, that nothing herein contained ſhall extend, or be conſtrued

ſtrued to extend, to charge the ſaid commiſſioners with, or for any monies to be paid to any perſon or perſons, upon the certificate or certificates of the committee of any of the pariſhes, precincts, or places, ſubjected to the powers of this act, more than and beyond the amount of what ſhall have been paid into and remaining in the bank of *England*, in the name of the commiſſioners, by and on the account of the committee or committees of the particular pariſh, precinct, or place, for which the monies mentioned in ſuch certificate or certificates, ſhall be payable, any thing herein contained to the contrary notwithſtanding.

be charged with more money from any pariſh than they ſhall have received from ſuch pariſh.

L. And be it further enacted, that the ſaid commiſſioners ſhall, and are hereby required, from time to time, to cauſe ſeparate and diſtinct accounts to be kept of all monies paid into the bank of *England*, or to the treaſurer to the ſaid commiſſioners, by the collectors of each reſpective pariſh, precinct, or place, ſubjected to the powers of this act, and of all other monies depoſited or paid into the bank of *England*, in the names and in the manner aforeſaid, on the account of every ſuch pariſh, precinct, or place, and how and to what particular uſes the ſame have been applied; and ſuch accounts ſhall be made up one in every year, and a true copy or copies thereof, ſigned by the clerk to the ſaid commiſſioners, ſhall be tranſmitted to the veſtry clerk of each reſpective pariſh, precinct, or place, between *Chriſtmas* and *Ladyday*, in every year, to be by him laid before the veſtry at their next veſtry meeting, and all the monies raiſed, collected, borrowed, and received, within the ſaid pariſhes, precincts, and places reſpectively, ſhall, from time to time, be laid out and expended for the purpoſes of the ſaid recited acts, and this act, within each reſpective pariſh, precinct, or place where ſuch monies ſhall be raiſed, collected, borrowed, or received, and not elſewhere, except as is herein before directed, and except alſo the ſalaries of the proper officers of the ſaid commiſſioners, and the contingent expences of the ſaid commiſſion.

The commiſſioners ſhall keep ſeparate accounts of money received from each pariſh.

LI. And be it further enacted, that the ſaid committees reſpectively ſhall, and are hereby required, at *Ladyday*, and *Michaelmas* in every year, or within one month then next following, to tranſmit to the ſaid commiſſioners, abſtracts, or extracts, ſigned by their clerks reſpectively, containing the true amount of all monies by the ſaid committees reſpectively rated and aſſeſſed, and at how much in the pound and of the amount of ſo much of all and every ſuch rates as ſhall appear to them, to be collected and received, and in arrear and unreceived, and of all monies borrowed on the ſecurities of every the ſaid additional rates.

Committees to tranſmit to commiſſioners once a year the true amount of all monies rated within each pariſh.

LII. And in order to the aſcertaining and paying the ſeveral proportions of every the ſalaries of the officers of the commiſſioners, and other contingent expences of the commiſſion, be it enacted, that the ſaid commiſſioners ſhall, and they are hereby directed, annually, or oftener by writing ſigned by their clerk, to ſignify and inform all and every the ſeveral committees to be

Salaries of the commiſſioners officers, and the expences of the commiſſion, how to be paid.

choſen as aforeſaid, of the right and true proportion to be paid by each of the ſaid pariſhes, precincts, and places reſpectively, to make good the ſaid ſalaries and contingent expences, in proportion and according to the amount of all the monies to be raiſed by the rates to be made by virtue of this act, for repairing, lighting, and cleanſing; ſuch writing to be delivered to, or left for the reſpective clerks to each and every the ſaid committees, and by ſuch clerks laid before the reſpective committees at their next meeting, after the ſame ſhall be ſo delivered or left; and thereupon each and every of the ſeveral committees reſpectively, within fourteen days next after every ſuch writing ſhall be ſo laid before them, ſhall, and are hereby required to cauſe their certificate or allowance in writing, ſigned by three or more of them, to be tranſmitted to the commiſſioners, or their clerk, ſignifying the conſent of the ſaid committee, that the commiſſioners may make an order or draught to c· upon the bank of *England*, or banker to be appointed as aforeſaid, as the caſe ſhall be, for payment of the reſpective proportion or ſhare ſo aſcertained out of the monies ariſen by the rates as laſt aforeſaid; and ſuch ſhare or proportion ſo certified may be paid by virtue of ſuch certificate or allowance, and order, ſo made and ſigned, and not otherwiſe.

Saint Margaret and Saint John to be one pariſh for the ſeveral purpoſes of the act;

LIII. Provided always, and be it enacted and declared, that, for the ſeveral purpoſes of this act, the pariſhes of *Saint Margaret* and *Saint John the Evangeliſt* ſhall, in all reſpects be conſidered as one pariſh only, and that three-fifths, as near as may be, of the committee-men to be choſen and appointed for the ſaid united pariſhes, ſhall be inhabitants reſiding within the ſaid pariſh of *Saint Margaret*; and the remaining part of them ſhall be inhabitants reſiding within the ſaid pariſh of *Saint John the Evangeliſt*; and that the committee-men ſo choſen for the ſaid united pariſhes ſhall be conſidered as one committee only, who are to meet and act in conjunction for the ſaid united pariſhes; and that all meetings of the ſaid committee-men ſhall, from time to time, be held in the veſtry-room of the ſaid pariſh of *Saint Margaret*, and at no other place.

and the committee-men for thoſe pariſhes are jointly to make rates.

LIV. And be it further enacted that all the ſaid committee-men to be choſen and appointed for the ſaid united pariſhes ſhall, and they are hereby authoriſed and required from time to time, to make all ſuch contracts as ſhall be directed to be made by the ſaid commiſſioners for the purpoſes of this act, with the ſaid united pariſhes, and alſo all rates and aſſeſſments which ſhall be neceſſary to be made within the ſaid united pariſhes, for paving, repairing, lighting, and cleanſing the ſquares, ſtreets, lanes, and other places therein, and all other the neceſſary purpoſes of the ſaid former acts, or of this act; and the ſaid committee-men ſhall have full power and authority to do and perform all other matters and things, which any other committee-men are by this act authoriſed to do and perform, within any of the pariſhes and places within the limits of this act; and the ſaid rates and aſſeſſments, when raiſed or levied, together with all monies which the

the ſaid united pariſhes may hereafter be intitled to, for the better carrying on and compleating the ſeveral works to be done by virtue of this act, ſhall be added together, and made one common ſtock or fund, and be iſſued and applied for the benefit of the ſaid united pariſhes, as the ſaid committee-men, at any of their meetings to be held as aforeſaid, ſhall, from time to time, think fit to order and direct; and the ſaid committee-men are hereby authoriſed and required in the appointment of their officers, to conſider the ſaid united pariſhes as one pariſh only, for the purpoſes of this act, any thing in this act contained to the contrary thereof in any-wiſe notwithſtanding.

How commiſſioners and committee-men ſhall be choſen for Saint Giles and Saint George Bloomſbury.

LV. *And for the better and more effectually carrying the ſaid former acts, and this act, into execution, within the ſaid pariſhes of* Saint Giles in the Fields, *and* Saint George Bloomſbury, it is hereby enacted and declared, That for and notwithſtanding any thing herein contained to the contrary thereof, the commiſſioners and committee-men to be elected or choſen in and for the ſaid reſpective pariſhes, ſhall, at all times hereafter, be elected or choſen by the reſpective veſtry-men of the ſaid pariſhes, at diſtinct meetings to be held in their ſeparate veſtry-rooms; and the committees, when elected or choſen as aforeſaid, ſhall, from time to time, aſſemble and meet together in the veſtry-room of the ſaid pariſh of *Saint Giles in the Fields*, to and for the purpoſes of making all and every the ſaid rates or aſſeſſments, and for every purpoſe concerning the repairing, cleanſing, and lighting the ſeveral ſquares, ſtreets, lanes, and other places within the ſaid reſpective pariſhes, and for exerciſing all and every other the powers and authorities hereby granted, except as hereinafter is mentioned; and that with reſpect to the rate or rates, aſſeſſment or aſſeſſments, herein before directed to be made, for the purpoſes of repairing, cleanſing, and lighting the ſeveral ſquares, ſtreets, lanes, and other places within the ſaid reſpective pariſhes, and for all and every other the purpoſes of this act, and the ſaid former acts, the ſaid two pariſhes ſhall be deemed and taken to be one pariſh, and the committees thereof ſhall act in conjunction, and be conſidered as one committee to all intents and purpoſes whatſoever, except as herein-after is mentioned.

Rates in Saint Giles and Saint George, to be placed to the ſeparate account of each pariſh.

LVI. Provided nevertheleſs, and it is hereby further enacted, That the ſeveral ſums of money to be raiſed by the additional or further rate or rates, aſſeſſment or aſſeſſments, within each of the ſaid pariſhes of *Saint Giles in the Fields*, and *Saint George Bloomſbury*, ſhall be placed to the ſeparate account of the pariſh in which the ſame ſhall be collected or received, to and for the uſes for which the ſame was ſo rated or aſſeſſed; and each of the ſaid reſpective committees ſhall have full power and authority, at meetings to be held at their reſpective veſtry-rooms, to aſſign ſo much of the ſaid additional rate or rates, aſſeſſment or aſſeſſments, as ſhall be laid, rated, or aſſeſſed within their ſeparate pariſh, as a ſecurity or ſecurities for the ſeveral ſum or ſums to be by them reſpectively borrowed or taken up at intereſt

by virtue of the powers hereby granted, and according to the directions herein-before contained, which ſaid ſum or ſums, and all other monies which the ſaid reſpective pariſhes ſhall or may raiſe, collect, or receive by virtue of the ſaid additional rate or rates, aſſeſſment or aſſeſſments, ſhall be depoſited in the bank of *England*, and placed to the ſeparate and diſtinct account of the reſpective pariſh whereon the ſame was, were, or ſhall be borrowed, rated, or aſſeſſed; and after payment of the intereſt of the money to be ſo borrowed, the reſidue of the money ariſing by the ſaid additional rate or rates, aſſeſſment or aſſeſſments, ſhall be, by the ſaid reſpective committees, at meetings to be held at their reſpective veſtry-rooms, ſeparately, diſtinctly, and without the interpoſition of each other, applied in and about the new-paving any part or parts of their ſaid reſpective pariſh, according to the powers and directions of this act.

So much of the pariſh of Saint Andrew, Holborn above the bars, and Saint George the Martyr, to be united for the purpoſes of this act.

LVII. Provided always, and be it enacted and declared, That for the ſeveral purpoſes of this act, ſo much of the pariſh of *Saint Andrew, Holborn*, as lies above the bars, in the county of *Middleſex*, and the pariſh of *Saint George the Martyr*, in the ſaid county, ſhall, in all reſpects, be conſidered as one pariſh only; and that the committee-men to be choſen and appointed for ſuch part of the ſaid pariſh of *Saint Andrew, Holborn*, as lies above the bars, ſhall be inhabitants reſiding within that part of the ſaid pariſh, and the committee-men to be choſen and appointed for the pariſh of *Saint George the Martyr*, ſhall be inhabitants reſiding within the ſaid pariſh of *Saint George the Martyr*, and that the ſaid committee-men ſo to be choſen as aforeſaid ſhall be conſidered as one committee only, and ſhall meet, and at all times hereafter act, in conjunction for ſo much of the ſaid pariſh of *Saint Andrew, Holborn*, as lies above the bars, and for the ſaid pariſh of *Saint George the Martyr*, and that all meetings of the ſaid committee-men ſhall, from time to time, be held at the workhouſe belonging to ſuch part of the ſaid pariſh of *Saint Andrew, Holborn*, as lies above the bars, and at no other place.

How the Committee-men within pariſhes ſhall make their rates.

LVIII. And be it further enacted, That all the ſaid committee-men to be choſen and appointed for the ſaid united pariſhes ſhall, and they are hereby authoriſed and required, from time to time, to make all ſuch contracts as ſhall be directed to be made by the ſaid commiſſioners for the purpoſes of this act, within the ſaid united pariſhes, and alſo all rates and aſſeſſments which ſhall be neceſſary to be made within the ſaid united pariſhes, for paving, repairing, lighting, and cleanſing the ſquares ſtreets, lanes, and other places therein, and all other neceſſary purpoſes of the ſaid former acts, or of this act; and the ſaid committee-men ſhall have full power and authority to do and perform all the matters and things, which any other committee-men are by this act authoriſed to do and perform within any of the pariſhes and places within the limits of this act; and the ſaid rates and aſſeſſments, when raiſed or levied, together with all monies which the ſaid united pariſhes may hereafter be entitled to, for the better carrying on and completing

the

the ſeveral works to be done by virtue of this act, ſhall be added together and made one common ſtock or fund, and be iſſued and applied for the benefit of the ſaid united pariſhes, as the ſaid committee-men, at any of their meetings to be held as aforeſaid, ſhall, from time to time, think fit to order and direct; and the ſaid committee-men are hereby authoriſed and required, in the appointment of their officers, to conſider the ſaid united pariſhes as one pariſh only, for the purpoſes of this act; any thing in this act contained to the contrary thereof in anywiſe notwithſtanding.

This act not to extend to the optional ſtreets.

LIX. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to any ſquare, ſtreet or place, which has been paved, cleanſed, and lighted, under the clauſes in the ſaid act made in the fifth year of his preſent Majeſty, impowering the inhabitants of any particular ſquare, ſtreet, or place, to raiſe a ſum ſufficient to new-pave the ſame, and enabling the commiſſioners to aſſign the rates and aſſeſſments made upon ſuch ſquare, ſtreet, or place, as a ſecurity for the repayment of ſuch money with intereſt; but that all ſuch ſquares, ſtreets, and places, ſhall continue under the direction of the ſaid former act, in the ſame manner as if this act had not been made.

The liberty of the rolls included.

LX. *And whereas the liberty of the* rolls *is included within the proviſions of the ſaid former acts, and ought to be included in this act*, be it therefore further enacted by the authority aforeſaid, That the commiſſioners appointed and elected, or to be appointed and elected by virtue of the ſaid former acts, any or either of them, and of this act, ſhall, over and above the powers given by the ſaid former acts, have full power and authority to pave and repair, light, and cleanſe the ſtreets, lanes, and places, within the ſaid liberty of the *rolls*, and to make, collect, and recover the like rates or aſſeſſments, and to put this act in execution therein, as fully and effectually as the ſame can be done by the commiſſioners or committees appointed to put this act in execution within the ſeveral pariſhes, precincts, and places included in this act; and the ſaid liberty of the *rolls* ſhall bear a due proportion with the ſaid pariſhes, of the expences to be provided for by this act.

The ſouth ſide of Heming's row to be paved.

LXI. *And whereas the ſtreet or place called* Heming's Row, *in the ſaid pariſh of* Saint Martin in the Fields, *is a great thoroughfare, the paſſage through part whereof having been hitherto narrow, inconvenient and dangerous, by means of a wall and ſome buildings, belonging to the ſaid pariſh, which have lately been pulled down in order to the building a new houſe for the reception and maintenance of the poor of the ſaid pariſh, which new houſe hath been ſet back from where the ſaid wall ſtood at the diſtance of ten feet, or thereabouts; and in order to the widening the ſaid ſtreet called* Heming's Row, *and rendering the ſame commodious for the future, it hath been propoſed, on the behalf of the vicar, churchwardens, and inhabitants of the ſaid pariſh in veſtry aſſembled, that the ſaid ground, and other the ground belonging to them, being two hundred and five feet long,*

and ten feet wide, or thereabouts, now lying near to, and appearing to be part of the ſaid ſtreet, ſhall, for ever hereafter be part of the ſaid ſtreet; be it therefore enacted by the authority aforeſaid, That from and after the paſſing this act, the ground laſt mentioned ſhall thenceforth for ever lie open to and be deemed and taken to be part of the ſaid ſtreet, and ſhall be paved or repaired, lighted, and cleanſed as ſuch, under and by virtue of the powers of this act; and that the churchwardens and overſeers of the poor of the ſaid pariſh ſhall thenceforth for ever be exempted and diſcharged from all expences of repairing, paving, lighting, and cleanſing the ſaid ſtreet or place called *Heming's Row*, and of and from all and every rate and rates hereafter to be made in purſuance of any of the ſaid recited acts, or this act, for and in reſpect of the ſaid ſtreet or place called *Heming's Row*.

Churchwardens exempted from contributing.

Proviſo.

LXII. Provided nevertheleſs, That nothing herein contained ſhall exempt any other perſon or perſons whomſoever from the payment of all or any of the rate or rates to be made as laſt aforeſaid, for and in reſpect of any part or parts of the ſaid ſtreet called *Heming's Row*.

The poſts in church paſſage, not to be be taken away;

LXIII. *And whereas at the north and ſouth ends of a certain paſſage or place in the ſaid pariſh of* Saint James, *leading out of* Piccadilly *into* Jermyn Street, *commonly called or known by the name of* Church Paſſage, *there are poſts ſet up to prevent the admiſſion or paſſing of carriages (one ſide of the ſaid paſſage being part of the cemetery or burial ground belonging to the ſaid pariſh)*; be it therefore enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to authoriſe or impower the ſaid commiſſioners or committees, or either of them, or any other perſon or perſons by them employed, to take up or remove all or any of the poſts which now are or hereafter may be ſet up either at the north or ſouth end of the ſaid paſſage, by order of the veſtry of the ſaid pariſh of *Saint James*; but that the ſame ſhall, at all times hereafter, be and remain in ſuch manner as the ſaid veſtry ſhall direct, provided the ſame do not obſtruct paſſengers on foot.

nor the poſts and porters block near Savile Row.

LXIV. And be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to impower the ſaid commiſſioners or committees, or either of them, or any other perſon or perſons by them employed, to take down or remove the porters block, or to take up or remove the poſts belonging thereto, or any the poſts now ſtanding and being at or near a place called *Vigo Lane*, leading from the top of *Sackvile Street* to *Savile Row*.

nor thoſe in King's Square Court Paſſage.

LXV. And be it further enacted, That nothing in this act, or any or either of the ſaid former acts contained, ſhall extend to authoriſe or impower the ſaid commiſſioners, or the committee of the pariſh of *Saint Anne* within the liberty of *Weſtminſter*, or any of them, or any perſon or perſons by them employed, to take up or remove the poſts which are now ſtanding at the north end of a paſſage leading from the weſt end of *King's Square Court* to *Chapel Street*, in the ſaid pariſh of *Saint Anne*, or which

may

may hereafter be there ſet up, ſo as the ſame do not obſtruct or prevent perſons paſſing on foot through the ſaid paſſage; any thing in this act, or any or either of the ſaid former acts, contained to the contrary thereof in any-wiſe notwithſtanding.

Two commiſſioners may put up chains, &c. at certain times in Maddox Street and Mill Street.

LXVI. *And whereas by reaſon of the great concourſe of coaches, and other carriages in* Maddox-Street *and* Mill Street, *within the pariſh of* Saint George, Hanover Square, *upon* Sundays, *and great holidays, it frequently happens that the inhabitants and pariſhioners are very much diſturbed and interrupted in the time of divine ſervice*; be it further enacted, That the ſaid commiſſioners, or any two or more of them, may order and direct any bars or chains to be erected and placed acroſs the ſaid ſtreets called *Maddox Street* and *Mill Street*, during the time of divine ſervice, and for the ſpace of one hour before and one hour after, or may take any other method for preventing the paſſing and repaſſing of coaches, during ſuch time as they ſhall think fit and proper.

Commiſſioners veſted with power to remove annoyances in ſtreets not paved.

LXVII. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners ſhall have, and they are hereby veſted with, all the powers and authorities for removing nuiſances, annoyances, and obſtructions, and otherwiſe regulating the ſeveral ſquares, ſtreets, lanes, and places, within the limits of the ſaid recited acts, which have not been already new-paved or compleated by virtue of the ſaid acts, as by the ſaid act, paſſed in the ſecond year of his preſent Majeſty, they are veſted with, in the ſquares, ſtreets, lanes, and places, that have been new-paved or compleated under their direction.

To prevent taking away night ſoil but between certain hours.

LXVIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall come with any cart or carts, or begin to empty any boghouſe or boghouſes, or to take away any night ſoil from any houſe or houſes within the limits aforeſaid, before the hour of twelve of the clock at night, or ſhall continue to take away the ſame after the hour of ſix in the morning, from *Michaelmas* to *Lady-day*, or after the hour of five of the clock from *Lady-day* to *Michaelmas*, or if any perſon ſhall put or caſt, or cauſe to be put or caſt, out of any cart, tub, or otherwiſe, in or near any of the ſquares, ſtreets, lanes, courts, yards, mews, alleys, paſſages, and places within the limits aforeſaid, or within half a mile thereof, any ſuch night ſoil, it ſhall and may be lawful to and for any conſtable, beadle, or watchman, (and they are hereby ſtrictly required and directed ſo to do) or any other perſon or perſons whatſoever, to apprehend and carry him or them guilty of either of the ſaid offences to ſuch watch-houſe as they ſhall think moſt convenient, there to be kept, and from thence conducted as ſoon as conveniently may be, before ſome juſtice of the peace for the ſaid county, or city, and liberty of *Weſtminſter*, as the caſe ſhall be, who, upon oath made of ſuch offence or offences as aforeſaid, (which oath ſuch juſtice is hereby impowered and required to adminiſter) ſhall and may commit ſuch perſon or perſons, guilty of any or either the ſaid offences, to the houſe of correction for the ſaid county or city, and liberty of *Weſtminſter*, for any time not

not exceeding three months, nor leſs than ten days, there to be kept to hard labour: and it ſhall and may be lawful to and for the ſaid commiſſioners, at any meeting to be held in purſuance of this act, to order any ſum not exceeding twenty ſhillings, nor leſs than five ſhillings, to be paid to the perſon who ſhall detect, apprehend and convey before any ſuch juſtice or juſtices of the peace, any ſuch perſon or perſons guilty as aforeſaid, to be paid out of the rates to be raiſed by virtue of this act.

Contingent expences incurred how to be defrayed.

LXIX. *And, for as much as it may ſometimes happen, that as well the ſaid commiſſioners as the ſaid committees may be neceſſarily and unavoidably put unto, bear and ſuffer ſome coſts, charges, and expences, not provided for by any of the ſaid former acts or this act, in and about the enforcing the performance of contracts, and otherwiſe;* be it further enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners, by virtue of any certificate or allowance of the committee of the pariſh, precinct, or place, wherein or in reſpect of which any ſuch coſts, charges, or expences ſhall have been incurred, (the ſaid committee, or five or more of them, at any of their publick meetings, being the majority of the committee-men then met) to be ſigned as aforeſaid, to make an order or draught on the bank of *England*, or banker as aforeſaid, for payment of all or any ſuch coſts, charges, and expences, by and out of the monies depoſited or paid into the bank, or to the banker, on the account of ſuch reſpective pariſh, precinct, or place.

Charges of obtaining this act, and of certain applications to parliament in the laſt ſeſſion, how to be paid.

LXX. And be it further enacted by the authority aforeſaid, That the commiſſioners appointed by and in purſuance of all or any of the before-recited acts, by and out of any monies in the hands of their treaſurer (other than and except ſuch monies as have ariſen from or by means of the ſaid clauſe,) commonly called the optional clauſe, ſhall and may defray and ſatisfy the charges and expences by them incurred in and about the obtaining and paſſing this act; and that every the ſeveral committees to be choſen purſuant to the directions of this act, by and out of the firſt monies to be by them ſeverally and reſpectively aſſeſſed and raiſed, within their ſeveral and reſpective pariſhes, precincts, and places, ſhall and may defray and ſatisfy the ſhare or proportion of every the ſaid pariſhes, precincts, and places, of the charges and expences which ſuch pariſhes, precincts, and places reſpectively have borne, ſuſtained, or been put unto in or about their ſeveral and reſpective applications to the honourable houſe of commons, touching this preſent act, and alſo touching any bill or bills, which, in the laſt ſeſſion of parliament, was or were brought into the ſaid houſe by any or either of the ſaid ſeveral pariſhes, precincts, and places, to the intent to enable certain commiſſioners to be appointed in and for ſuch pariſhes ſeparately, and excluſively of all others, to pave, light and cleanſe their own pariſhes only.

Proceedings not to be charged with ſtamp duty.

LXXI. And be it further enacted, That no nomination, appointment, information, order, judgement, conviction, warrant, mortgage, or aſſignment, transfer or other ſecurity for the

the borrowing of money, or other writing whatſoever, under the hand and ſeal, or hands and ſeals of, or only ſigned by any committee or committees, commiſſioner or commiſſioners, for putting the ſaid former acts, or any of them, or this act, in execution, or by any juſtice or juſtices of the peace, or exhibited before them, or any of them, touching, concerning, or in execution of any of the powers or authorities thereby or hereby veſted in ſuch committee or committees, commiſſioner or commiſſioners, or juſtice or juſtices of the peace, or any of them, or transfer or aſſignment of any of the ſecurities aforeſaid, made by any perſon or perſons, ſhall be charged or chargeable with any ſtamp duty whatſoever.

Appeal may be made.

LXXII. Provided always, and be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any rate or rates, aſſeſſment or aſſeſſments, made in purſuance of this act, every ſuch perſon or perſons may, and ſhall firſt apply for relief to the committee of the pariſh, precinct, or liberty wherein the cauſe of complaint is ſuppoſed to have ariſen, at the firſt or ſecond meeting of the ſaid committee, next after demand made of ſuch rate or rates, aſſeſſment or aſſeſſments; and the ſaid committees reſpectively are hereby authoriſed and impowered, if they ſhall ſee cauſe ſo to do, to give ſuch relief, or make ſuch other order in the premiſes as to them ſhall ſeem meet; and in caſe the party or parties ſo applying for relief ſhall not be ſatisfied with the order and determination of the ſaid committee, he, ſhe, or they ſhall and may apply and appeal for relief to the commiſſioners at their firſt or ſecond meeting next after ſuch determination of the ſaid committee in the premiſes, giving to the ſaid committee, or their clerk, ſix days notice of ſuch appeal; and the ſaid commiſſioners ſhall and may, and are hereby enabled and impowered thereupon, to hear, determine, and make ſuch order therein, as to them ſhall ſeem meet; and if the party or parties appealing ſhall be diſſatisfied with the order and determination of the ſaid commiſſioners, yet nevertheleſs he, ſhe, or they ſhall be obliged to pay the rate or aſſeſſment complained of, according to the order of the ſaid commiſſioners in the premiſes, and ſhall and may thereafter, and not before, appeal to the quarter ſeſſion of the peace to be holden in and for the ſaid county of *Middleſex*, or city and liberty of *Weſtminſter*, as the caſe ſhall be, within three months next after ſuch determination of the ſaid commiſſioners, ſuch appellant firſt giving, or cauſing to be given ſix days notice at leaſt, in writing, of his or her intention to bring ſuch appeal, and of the matter thereof, to the clerk to ſuch committee, and within four days next after ſuch notice entering into recognizance before ſome juſtice of the peace for ſuch county, or city, and liberty of *Weſtminſter*, with two ſufficient ſureties conditioned to try ſuch appeal, and to abide the order of, and to pay ſuch coſts as ſhall be awarded by the juſtices at ſuch quarter ſeſſion; and the ſaid juſtices, at ſuch quarter ſeſſion, upon due proof of ſuch notice being given as afore-

foreſaid, and of the entering into ſuch recognizance, ſhall hear and determine the cauſes and matters of ſuch appeal in a ſummary way, and award ſuch coſts to the parties appealing, or appealed againſt, as they the ſaid juſtices ſhall think proper; and the determination of ſuch juſtices at their quarter ſeſſion, ſhall be final, binding, and concluſive.

Diſtreſs not deemed unlawful.

LXXIII. And be it further enacted by the authority aforeſaid, That where any diſtreſs ſhall be made for any ſum or ſums of money to be levied by virtue of this act, the diſtreſs itſelf ſhall not be deemed unlawful, nor the party or parties making the ſame be deemed a treſpaſſer or treſpaſſers, on account of any default or want of form in any proceedings relating thereto, nor ſhall the party or parties be deemed a treſpaſſer or treſpaſſers *ab initio*, on account of any irregularity which ſhall be afterwards done by the party or parties diſtraining; but the perſon or perſons aggrieved by ſuch irregularity, may recover full ſatisfaction for the ſpecial damage only, in any action on the caſe.

Proceedings not to be quaſhed for want of form.

LXXIV. And be it further enacted by the authority aforeſaid, That no rate or rates, aſſeſſment or aſſeſſments, or any proceeding to be had, touching any order made, or any other matter or thing to be done or tranſacted in or relating to any ſuch complaint or appeal, or any order or determination thereon, ſhall be quaſhed or vacated for want of form, or be removed into any of his Majeſty's courts of record at *Weſtminſter* by *certiorari*, or by any other writ or proceſs whatſoever; any law, ſtatute, or uſage to the contrary notwithſtanding.

Plaintiff ſhall not recover, if ſufficient amends tendered.

LXXV. Provided always, That no plaintiff or plaintiffs ſhall recover in any action for any ſuch irregularity, treſpaſs, or other proceedings, if tender of ſufficient amends ſhall be made by or on the behalf of the party or parties who ſhall have committed, or cauſed to be committed, every or any ſuch irregularity, treſpaſs, or wrongful proceeding, before ſuch action brought; and in caſe no ſuch tender ſhall have been made, it ſhall and may be lawful for the defendant or defendants, in any action, by leave of the court where ſuch action ſhall depend, at any time before iſſue joined, to pay into court ſuch ſum of money as he or they ſhall ſee fit, whereupon ſuch proceedings or order and judgement ſhall be had, made, or given, in and by ſuch court, as in other actions where the defendant is allowed to pay money into court.

Limitation of actions.

LXXVI. And be it further enacted by the authority aforeſaid, That no action or ſuit ſhall be commenced againſt any commiſſioner or commiſſioners, or any other perſon or perſons acting under them, or againſt any committee-man or committee-men, or other perſon or perſons acting under any of the ſaid committees, for any thing done in purſuance of this act, until after the expiration of twenty-one days next after notice thereof ſhall be given in writing to the clerk of the ſaid commiſſioners, or clerk to the ſaid committee, as the caſe ſhall be, or after ſufficient ſatisfaction, or tender thereof, hath been made to the party or parties aggrieved, or after ſix calendar months next after

the fact committed; for which ſuch action or actions, ſuit or ſuits, ſhall be brought; and every ſuch action ſhall be brought, laid, and tried in the county of *Middleſex*, and not elſewhere; and that the defendant or defendants, and every of them, in every ſuch action and ſuit, may plead the general iſſue, and give the ſpecial matter in evidence at any trial or trials to be had thereupon; and that the matter or thing for which ſuch action or ſuit ſhall be ſo brought, was done in purſuance and by the authority of this act; and if the ſaid matter or thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch action or ſuit was brought before the expiration of twenty-one days after notice thereof given as aforeſaid, or that ſufficient ſatisfaction was made or tendered as aforeſaid, or if ſuch action or ſuit was not commenced within the time before limited for that purpoſe, or ſhall be laid in any county or place other than the ſaid county of *Middleſex*, then the jury ſhall find for the defendant or defendants therein; and if a verdict or verdicts ſhall be found for ſuch defendant or defendants, or if the plaintiff or plaintiffs, in ſuch action or ſuit, ſhall become nonſuited, or ſuffer a diſcontinuance of ſuch action or ſuit, or if upon any demurrer in ſuch action or ſuit, judgement ſhall be given for the defendant or defendants, then, and in either of the caſes aforeſaid, ſuch defendant or defendants ſhall have treble coſts, and ſhall have ſuch remedy for recovering the ſame, as any defendant or defendants may have for his, her, or their coſts, in any other caſes by law. General iſſue. Treble coſts.

LXXVII. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed and taken to be a publick act, and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and all other perſons whatſoever, without ſpecially pleading the ſame, or giving the ſame in evidence. Publick act.

CAP. XXIII.

An act for paving and regulating Roſemary Lane, from the pariſh of Saint Botolph, Aldgate, to Cable Street; alſo the ſaid Cable Street, the foot-path in Back Lane, part of the precinct of Well Cloſe, the ſtreet leading from Nightingale Lane to Ratcliff Croſs, Butcher Row, and Brook Street, and the ſeveral ſtreets, lanes, and paſſages opening into the ſame; and for removing all obſtructions and annoyances therefrom, and preventing the like for the future.

CAP. XXIV.

An act for licenſing an additional number of hackney coaches, and applying the monies ariſing thereby.

Moſt gracious ſovereign,

WHEREAS *it is found convenient that a greater number of hackney coaches than are allowed by an act made in the ninth year of the reign of her late majeſty Queen* Anne, *intituled*, An act for licenſing and regulating hackney coaches and chairs; and for charging certain new duties on ſtampt vellum, parchment, and paper, and on cards and dice; and on the exportation of rock ſalt for *Ireland*; and for ſecuring thereby and by a weekly payment out of the poſt office, and by ſeveral duties on hides and Preamble. Act 9° Annæ.

and skins, a yearly fund of one hundred eighty-six thouſand ſix hundred and ſeventy pounds, for thirty-two years, to be applied to the ſatisfaction of ſuch orders as are therein mentioned, to the contributors of any ſum not exceeding two millions, to be raiſed for carrying on the war, and other her Majeſty's occaſions; *ſhould be licenſed to be employed within the cities of* London *and* Weſtminſter, *and within the weekly bills of mortality: may it therefore pleaſe your Majeſty that it may be enacted*; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the commiſſioners for licenſing and regulating hackney coaches for the time being, or the major part of them, ſhall have power and authority, and are hereby impowered and required, under their hands and ſeals, or the hands and ſeals of the major part of them, over and above the number of eight hundred hackney coaches, authoriſed to be licenſed by the ſaid act, to licence, in like manner, at any time or times, from and after the paſſing of this act, any additional number of hackney coaches, not exceeding two hundred, to be employed for hire within the cities and limits aforeſaid, ſo that the number of all the ſaid hackney coaches licenſed, or to be licenſed, by virtue of the ſaid former and this preſent act, ſhall not at any one time exceed one thouſand; and that, upon every one of the ſaid licences, to be granted in purſuance of this act, there ſhall be reſerved and made payable unto his Majeſty, his heirs and ſucceſſors, the like weekly ſum of five ſhillings of lawful money of *Great Britain*, to be paid from the commencement of every ſuch licence, during the continuance thereof reſpectively, in like manner, and with like penalties, covenants, conditions, and proviſoes, therein to be inſerted for the more effectual payment thereof, as in other licences granted in purſuance of the before-mentioned act; and that the ſame hackney coaches, and the perſons to be licenſed to drive or keep the ſame, ſhall, in reſpect thereof, have the ſame rates and benefits, and be ſubject and liable to all the ſame orders, rules, regulations, bye-laws, penalties, matters, and things, as are or were lawfully preſcribed in relation to any perſons licenſed to keep or drive hackney coaches; and the renters of ſuch licenſes, and drivers of ſuch coaches, before the making of this preſent act: and that all perſons who ſhall preſume to drive or let to hire by the hour or day, or otherwiſe, any hackney coach or coach horſes, or to carry any perſon or perſons for hire in any hackney coach, within the cities of *London* and *Weſtminſter*, or the ſuburbs of the ſame, or within any of the pariſhes or places compriſed within the weekly bills of mortality, without ſuch leave or licenſe as aforeſaid, ſhall be liable to all ſuch forfeitures and penalties as he, ſhe, or they would have incurred for ſo doing, if this act had not been made.

Commiſſioners may licence, over the number 200, any number of hackney coaches, not exceeding 200, to be employed for hire within the cities and liberties of London and Weſtminſter, at 5 s. per week, payable from the commencement of ſuch licence.

Drivers of coaches without licence, liable to former penalties.

II. And it is hereby declared and enacted by the authority aforeſaid, That all the monies to ariſe by rents of the ſaid additional

Monies ariſing by the addi-

tional number of hackney coaches, to be licenſed in purſuance of this act, ſhall be ſubject and applicable to the like uſes and purpoſes, and under the like penalties, as the other rents upon hackney coaches are applicable and appropriated by parliament.

tional number of coaches to be applied as former rents were appropriated.

III. Provided always and it is hereby enacted by the authority aforeſaid, That out of the monies to ariſe by rents of hackney coaches, it ſhall and may be lawful to and for any three or more of the commiſſioners of the treaſury, or the high treaſurer for the time being, to reward the ſaid commiſſioners for licenſing and regulating hackney coaches, and the clerks, officers, and others that ſhall and may be employed by and under them for their labour and pains, and to diſcharge ſuch incident expences as ſhall neceſſarily attend the execution of this act, in ſuch manner as any three or more of the ſaid commiſſioners of the treaſury, or the high treaſurer for the time being, ſhall, from time to time, think fit and reaſonable in that behalf; any thing in this act, or any other law, ſtatute, or uſage, to the contrary notwithſtanding.

Commiſſioners of the treaſury to defray expences for licenſing, and other incidents.

IV. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons, for any thing done in purſuance of this act, the defendant or defendants, in any ſuch action or ſuit, may plead the general iſſue, and give this act, and the ſpecial matter, in evidence, at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to have been done, a verdict ſhall be recorded for the defendant or defendants: and if the plaintiff ſhall be nonſuited, or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if judgement ſhall be given upon any verdict or demurrer againſt the plaintiff, the defendant or defendants ſhall and may recover double coſts, and have the like remedy for the ſame as any defendant or defendants hath or have in other caſes by law, for recovery of his or their coſts.

Perſons ſued may plead the general iſſue.

Double coſts.

CAP. XXV.

An act for raiſing a certain ſum of money, by loans or exchequer bills, for the ſervice of the year one thouſand ſeven hundred and ſeventy-one.

Moſt gracious ſovereign,

WE, *your Majeſty's moſt dutiful and loyal ſubjects, the commons of* Great Britain, *in parliament aſſembled, towards raiſing the neceſſary ſupplies which we have cheerfully granted to your Majeſty in this ſeſſion of parliament, have reſolved to give and grant unto your Majeſty the ſum herein after mentioned; and do therefore moſt humbly beſeech your Majeſty, that it may be enacted*; and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the commiſſioners

Preamble.

Commissioners of the treasury to raise 1,800,000 l. by loans or exchequer bills, before January 5, 1772;

fioners of his Majesty's treasury, now or for the time being, or any three or more of them, or the high treasurer for the time being, at any time or times before the fifth day of *January*, one thousand seven hundred and seventy-two, to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there for any sum or sums of money, not exceeding in loans and exchequer bills together, in the whole, the sum of one million eight hundred thousand pounds; in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament, (intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-one,*)

in manner as by the malt act of this session is prescribed, with respect to loans or exchequer bills thereby authorised to be taken or made.

are enacted and prescribed, concerning the loans or exchequer bills to be taken or made in pursuance of the said act.

The clauses in the said act relating to loans or bills,

II. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act, relating to the loans or exchequer bills authorised to be made by the same act, (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act, and also except as is herein-after mentioned) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been orginally authorised by the said last-mentioned act, or as if the said several clauses or provisoes had been particularly repeated and re-enacted in the body of this act.

extended to this act.

Exchequer bills so issued not to be received again in payment of any taxes;

III. Provided always, and be it further enacted by the authority aforesaid, That no exchequer bill or bills to be made out by virtue of this act, shall, after the same hath or have been issued at the exchequer, be afterwards, at any time before the sixth day of *April*, one thousand seven hundred and seventy-two, received or taken, or pass or be current, to any receiver or collector in *Great Britain*, of the customs, excise, or any revenue, supply, aid, or tax whatsoever, due or payable to his Majesty, his heirs, or successors, or at the receipt of the exchequer, from any such receiver or collector, or from any other person or persons, bodies politick or corporate, otherwise or on any other account than for the discharge and cancelling of such bills, in case the same shall be in due course or order of payment, before the said sixth day of *April*; nor shall any such receiver or collector exchange, at any time before the said sixth day of *April*, for any money, of such revenues, aids, taxes, or supplies, in his hands, any exchequer bill or bills which shall have been issued as aforesaid by virtue of this act; nor shall any action be maintained against any such receiver or collector for

nor exchanged before April 6, 1772.

Action not to lie for such refusal.

for neglecting or refuſing to exchange any ſuch bill or bills for ready money, before the ſaid ſixth day of *April*; any thing in the ſaid act made in this preſent ſeſſion of parliament, intituled, *An act for continuing and granting to his Majeſty certain duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and ſeventy-one*, or this act, contained to the contrary notwithſtanding.

IV. And be it further enacted by the authority aforeſaid, That all ſuch loans or exchequer bills, together with the intereſt, premium, rate, and charges, incident to or attending the ſame, ſhall be, and are hereby charged and chargeable upon, and ſhall be repaid or borne by or out of the firſt aids or ſupplies which ſhall be granted in the next ſeſſion of parliament: and in caſe ſufficient aids or ſupplies, for that purpoſe, ſhall not be granted before the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, then all the ſaid loans or exchequer bills, with the intereſt, premium, rate, and charges, incident to or attending the ſame, ſhall be, and are hereby charged and chargeable upon ſuch monies as, at any time or times at or after the ſaid fifth day of *July*, ſhall be or remain in the receipt of the exchequer, of the ſurpluſſes, exceſſes, overplus monies, and other revenues compoſing the fund, commonly called *The Sinking Fund* (except ſuch monies of the ſaid ſinking fund as are appropriated to any particular uſe or uſes by any act or acts of parliament in that behalf;) and ſuch monies of the ſaid ſinking fund ſhall and may be iſſued and applied, as ſoon as the ſame can be regularly ſtated and aſcertained, for and towards paying off, cancelling, and diſcharging, ſuch loans or exchequer bills, intereſt, premium, rate, or charges, until the whole of them ſhall be paid off, cancelled, and diſcharged, or money ſufficient for that purpoſe be kept and reſerved in the exchequer, to be payable on demand to the reſpective proprietors thereof.

Money ſo raiſed to be repaid out of the next parliamentary aids; and if none be granted before July 5, 1772, to be charged on the ſinking fund.

V. Provided always, and be it enacted by the authority aforeſaid, That whatever monies ſhall be ſo iſſued out of the ſaid ſurpluſſes, exceſſes, overplus monies, or other revenues compoſing the ſinking fund, ſhall, from time to time, be replaced by and out of the firſt ſupplies to be then after granted in parliament; any thing herein contained to the contrary notwithſtanding.

Monies ſo iſſued to be replaced out of the firſt ſupplies.

VI. And be it declared and further enacted by the authority aforeſaid, That it ſhall and may be lawful for the governor and company of the bank of *England* to advance or lend to his Majeſty, in like manner, at the receipt of the exchequer, upon the credit of loan granted by this act, any ſum or ſums of money, not exceeding in the whole the ſum of one million eight hundred thouſand pounds, any thing in an act made in the fifth and ſixth years of the reign of King *William* and Queen *Mary*, intituled, *An act for granting to their Majeſties ſeveral rates and duties upon tonnage of ſhips and veſſels, and upon beer, ale, and other liquors, for ſecuring certain recompences and advantages, in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of one million five hundred thouſand pounds towards carrying on the*

Bank of England authoriſed to advance the ſaid ſum on the credit of this act;

Act 5° & 6° Gul. & Mariæ notwithſtanding.

the war against France, to the contrary thereof in any-wise notwithstanding.

CAP. XXVI.

An act for further continuing the tolls upon London Bridge, *for the purposes therein mentioned; and for impowering the mayor, aldermen, and commons of the city of* London, *in common council assembled, in certain cases, to grant licences to persons possessed of terms for years, of and in houses described in an act of the seventh year of his present Majesty, to build upon and inclose part of the ground and soil of the streets in the front of their said houses.*

Preamble. Act 7 Geo. III. for compleating Blackfriars Bridge.

WHEREAS *by an act made in the seventh year of the reign of his present Majesty, intituled,* An act for compleating the bridge cross the river *Thames*, from *Black-friars* in the city of *London*, to the opposite side, in the county of *Surry*, and the avenues thereto on the *London* side; for redeeming the tolls on the said bridge, and on *London-bridge*; for rebuilding the goal of *Newgate*, in the said city; for repairing the *Royal Exchange*, within the same; for embanking part of the north side of the said river, within certain limits; and for further continuing, towards those purposes, the imposition of sixpence *per* chaldron, or ton, of coals and culm, imported into the port of the said city, established by an act of the fifth and sixth years of the reign of King *William* and Queen *Mary*; and also for carrying on the new pavements in the city and liberties of *Westminster*, and parishes adjacent, and in the town and borough of *Southwark*, and for other purposes therein mentioned; *the sum of thirty thousand pounds was granted and directed to be applied to and for the redemption of the prescriptive tolls, to which the passage over* London Bridge *was then subject, and to and for the purchase of the lease thereof; the residue, after such purchase, to be placed out at interest, upon such government or real securities, or laid out in the purchase of lands, tenements, and hereditaments, as to the mayor, aldermen, and commons of the said city, in common council assembled, should seem meet, in trust, for or towards the uses, intents, and purposes, which the said tolls, or the rents and fines then payable in respect thereof, were then applicable: and it was thereby enacted, that the mayor and commonalty, and citizens of the city of* London, *should pay to the persons, and for the uses therein mentioned, certain annuities of eight hundred pounds, and four hundred and eighty pounds, redeemable as therein mentioned: and it was thereby further enacted, that all and every the tolls which then were or should be payable by virtue of any act of parliament, or prescription, for the passage over the said bridge, or for the passage over the then intended bridge at* Blackfriars, *should have continuance, and be paid and payable to the said mayor and commonalty, and citizens, until they should, by and out of the neat produce thereof, to arise and accrue from and after the twenty-ninth of* September, *one thousand seven hundred and seventy (after deducting the charges of the collection thereof, and the*

charges which would attend the making and executing the bonds thereby directed to be given for ſecuring the payment of the ſaid annuities, and the charges of obtaining and paſſing the ſaid act) receive and be reimburſed all ſuch ſum and ſums of money as they ſhould have advanced in payment of the ſaid annuities, or for the redemption thereof, together with intereſt for the money ſo advanced, at and after the rate of four pounds per centum per annum; *but that, from and immediately after ſuch reimburſement ſhould have been made and compleated, the ſaid tolls ſhould ceaſe and determine, and be no longer paid or payable; any law, ſtatute, or preſcription to the contrary thereof in any-wiſe notwithſtanding: and whereas the ſaid mayor and commonalty, and citizens, did, on or about the ſaid twenty-ninth day of* September, *one thouſand ſeven hundred aud ſeventy, treat with the leſſee of the ſaid tolls upon* London Bridge, *for the purchaſe of his ſaid leaſe, wherein there were then fifteen years and three quarters to come and unexpired, but found his demand grounded upon the increaſe of the ſaid tolls, ſince the paſſing of the ſaid act, ſo high, as being deducted out of the ſaid ſum of thirty thouſand pounds, would not leave ſufficient for the purchaſe or redemption of the reverſion and inheritance thereof: and whereas it is computed that, in order to reimburſe the ſaid mayor and commonalty, and citizens, what they are directed by the ſaid act to advance in payment of the ſaid annuities of eight hundred pounds, and four hundred and eighty pounds, or for the redemption thereof, with intereſt as aforeſaid, and the ſaid charges, which they are by the ſaid in part recited act authoriſed to deduct, the ſaid tolls upon both the ſaid bridges muſt have continuance until* Lady-day, *one thouſand ſeven hundred and ſeventy-nine, or thereabouts; and that the ſaid tolls upon* London Bridge, *if continued till* Lady-day *one thouſand ſeven hundred and eighty-two, would, together with the ſaid ſum of thirty thouſand pounds, and the intereſt or produce thereof in the mean time, after making good and compleating ſuch reimburſement, be a ſufficient fund for purchaſing the then remaining term of the ſaid leaſe of the tolls for the paſſage over* London Bridge, *and the reverſion and inheritance thereof: may it therefore pleaſe your Majeſty, upon the petition of the ſaid mayor, aldermen and commons, in common council aſſembled, that it may be enacted;* and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every the tolls, which are now payable by preſcription, for the paſſage over *London Bridge*, ſhall, from and after the time in and by the ſaid in part recited act limited for the continuance thereof, have further continuance, and be paid and payable to the ſaid mayor and commonalty, and citizens, until the twenty-fifth day of *March*, one thouſand ſeven hundred and eighty-two, and no longer; any thing in the ſaid act contained, or any other law, uſage, or preſcription, to the contrary thereof in any-wiſe notwithſtanding.

Tolls now payable by preſcription to be continued till March 25, 1782.

II. And be it further enacted, That the ſaid mayor and commonalty, and citizens, ſhall, as ſoon as conveniently may be after

The mayor to cauſe the

30,000l. to be invested in the publick funds,

after the passing of this act, cause the said thirty thousand pounds to be laid out and invested in the purchase of some of the publick funds, or placed out at interest upon government or real securities; and, from time to time, until such reimbursement to the said mayor and commonalty, and citizens, as aforesaid, shall be compleated, pay and apply the dividends, interest, and proceed thereof, to the purposes to which the said tolls are appropriated by the said in part recited act.

and, before March 25, 1782, purchase the remaining term of the lease of the tolls.

III. And be it further enacted, That the said mayor and commonalty, and citizens, shall, on or before the said twenty-fifth day of *March*, one thousand seven hundred and eighty-two, by, with, or out of the net produce of the funds or securities in or upon which the said thirty thousand pounds shall be then vested or placed; and the interest, dividends, or proceed thereof, which shall then have arisen or accrued, from and after such reimbursement to the said mayor and commonalty, and citizens, as aforesaid, purchase the then remaining term of and in the said lease of the tolls, and keep, place, or lay out the residue thereof at interest upon government or real securities, or in the purchase of the freehold and inheritance of such lands, tenements or hereditaments, as to the said mayor, aldermen and commons, in common council assembled, shall seem meet, in trust, for the uses, intents, and purposes, to which the said tolls were applicable before the passing of the said in part recited act.

Clause in act 9 Geo. III.

IV. *And whereas, after reciting that it might, for the greater regularity or beauty of the streets, ways, or passages, to be improved by virtue of the said act, as of the twenty-ninth year of King* George *the Second, be proper to build houses, or parts of houses, on some part of the ground and soil of the said streets, ways, or passages, or on some part of the former channel of* Bridewell Dock, *it is by the said act of the seventh year of his present Majesty enacted, That it should and might be lawful to and for the said mayor, aldermen and commons, in common council assembled, for and in consideration of such sum and sums of money, or yearly rent or rents, to be paid into the receipt of the chamber of the said city of* London, *as they should think reasonable, to grant to the owner or owners of the freehold and inheritance of the house or houses fronting any such street, way, or passage, licence or licences, under the common seal of the said city, to build upon and inclose so much of the ground and soil, in the front of the said respective house or houses, as they should think fit to be built upon, for the reasons aforesaid; and that the ground and soil so built upon, in pursuance of such licence or licences, should for ever, or for and during the time or term to be expressed in such licence or licences respectively, be annexed to and enjoyed with the adjoining freehold; any law usage, or custom to the contrary notwithstanding: and whereas it has happened and may happen, that the owner or owners of the freehold and inheritance of the house or houses fronting some of the said streets, ways, or passages, cannot be found, or is or are unwilling to build, and the tenants of such ground, having leases thereof for long term of years, would be willing to build upon the ground and soil in the front*

front thereof, if they might obtain ſuch licences, and be ſecured in the free enjoyment of the ſaid ground and ſoil, during the term for which they reſpectively hold their ſaid houſes, whereby the regularity and beauty of the ſaid ſtreets, ways, and paſſages, would be ſooner accompliſhed; be it further enacted, That it ſhall and may be lawful to and for the ſaid mayor, aldermen and commons, in common council aſſembled, for ſuch conſiderations as aforeſaid, to grant ſuch licence or licences to the tenant or tenants of the houſe or houſes fronting any of the ſaid ſtreets, ways, or paſſages, having leaſes for long terms, of which there ſhall be at leaſt thirty-five years then to come and unexpired, and that the ground and ſoil which ſhall be built upon by order or in purſuance of ſuch licence or licences, together with the dwellings and buildings thereon, ſhall for ever be annexed to and enjoyed with the houſe or houſes thereunto reſpectively adjoining, by the ſeveral perſons intereſted therein, according to their ſeveral eſtates and intereſts in the ſame; any law, uſage, or cuſtom to the contrary thereof in any-wiſe notwithſtanding.

Mayor, &c. may grant licences to tenants, on certain conſiderations.

V. Provided always, and be it further enacted, That nothing in this, or in the ſaid former act contained, ſhall give to any perſon or perſons whomſoever, except the owner or owners of the freehold and inheritance of the ſaid houſe or houſes, or the leſſee or leſſees thereof, who ſhall have ſuch terms remaining therein as aforeſaid, any right or power to build on the ſaid ground, lying before the ſaid houſes reſpectively; any thing herein, or in the ſaid former act contained, to the contrary thereof in any-wiſe notwithſtanding.

Nothing herein, or in the former act contained, ſhall give right to any perſon to build, except owners.

VI. And be it further enacted, That all and every ſuch ſum and ſums of money as ſhall be paid for any licence or licences, to be granted by virtue or in purſuance of this act, ſhall be, and the ſame is and are hereby appropriated to the uſes, intents, and purpoſes to which the monies and rents payable for the licences mentioned in the ſaid in part recited act, are thereby appropriated, and to or for no other uſe, intent, or purpoſe whatſoever.

Sums paid for licences, how to be appropriated.

VII. And it is hereby further enacted, That if any action or ſuit ſhall be commenced againſt any perſon or perſons, for any thing done in purſuance or by virtue of this act, the defendant or defendants in ſuch action or ſuit, and every of them, may plead the general iſſue, and give this act, and the ſpecial matter in evidence, at any trial or trials which ſhall be had thereupon; and if the plaintiff or plaintiffs, in ſuch action or ſuit, ſhall become nonſuited, or ſuffer a diſcontinuance of ſuch action or actions, or if judgement ſhall be given for the defendant or defendants therein, then, and in any of the caſes aforeſaid, ſuch defendant or defendants ſhall have treble coſts, and ſhall have ſuch remedy for recovering the ſame, as any defendant or defendants may have for his, her, or their coſts in any other caſes by law.

General iſſue.

Treble coſts.

VIII. And it is hereby further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be

Publick act.

be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

CAP. XXVII.

An act for regulating and improving the fisheries in the river Tweed, *and the rivers and streams running into the same; and also within the mouth or entrance of the said river.*

Preamble.

WHEREAS *salmon, gilses, salmon trouts, and whitlings, and the spawn or fry thereof, are frequently killed, taken, and destroyed at improper seasons in the river* Tweed, *and the rivers and streams which run into the same, and also within the mouth or entrance of the said river, to the great detriment of the owners and occupiers of the fisheries, and loss to the publick: for remedy whereof, and for the improvement of the fisheries in the said river, may it please your Majesty that it may be enacted*; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by authority of the same, That from and after the twelfth day of *May*, one thousand seven hundred and seventy-one, if any person or persons shall take, or kill any salmon, gilse, salmon trout, or whitling, or take, kill, or destroy the spawn, fry, or young brood of any such fish, in the said river *Tweed*, or in any river, rivulet, brook, or stream, or in any mill-pool, mill-lead, sluice, or cut, which communicates with the said river *Tweed*, or within the limits of the mouth or entrance of the said river *Tweed*, at any time or times between the tenth day of *October* and the tenth day of *January*, or between ten of the clock on *Saturday* night and two of the clock on *Monday* morning, every such person and persons shall forfeit and pay the sum of ten shillings for every salmon, gilse, salmon trout, or whitling, so taken or killed, and also the sum of ten shillings for every parcel or quantity of the spawn, fry, or young brood of any such fish so taken, killed, or destroyed.

Persons killing salmon, gilse, salmon trout, or whitling, between Oct. 10. and Jan. 10. or between 12 o' clock on Saturday night and two o' clock on monday morning, shall forfeit 10 s. for every such fish.

Limits of the mouth or entrance of the river tweed.

II. *And whereas disputes may arise touching the limits of the mouth or entrance of the river* Tweed, be it therefore further enacted, That, for the purposes of this act, the limits of the mouth or entrance of the river *Tweed* shall for the future be deemed and taken to be and extend three miles from a pier called *Queen Elizabeth's Pier*, and two miles from a rock called *Hoods Head Rock*.

Any person who shall kill, or have in his possession any of the spawn, fry, or young brood of fish, between April 1. and June 1.

III. And be it further enacted, That from and after the said twelfth day of *May*, one thousand seven hundred and seventy-one, if any person or persons shall place, lay, set, continue, or draw any net, creel, hamper, engine, or other device whatsoever in the said river *Tweed*, or in any river, rivulet, brook, or stream, or in any mill-pool, mill-lead, sluice, or cut, which communicates with the said river *Tweed*, or within the mouth or entrance

entrance thereof, in order to kill or take any ſpawn, fry, or young brood of any ſalmon, gilſe, ſalmon trout, or whitling, or ſhall take, kill, or deſtroy, or have in his, her, or their cuſtody or poſſeſſion any ſpawn, fry, or young brood of any ſuch fiſh as aforeſaid, between the firſt day of *April* and the firſt day of *June*, every ſuch perſon and perſons ſhall forfeit and pay the ſum of ten ſhillings, for every parcel of ſpawn, fry, or young brood of any ſuch fiſh which ſhall be found in his, her, or their poſſeſſion, between the ſaid firſt day of *April* and the ſaid firſt day of *June*.

ſhall forfeit 10s for every parcel thereof.

IV. And be it further enacted, That from and after the ſaid twelfth day of *May*, one thouſand ſeven hundred and ſeventy-one, if any perſon or perſons ſhall beat the water, or place or ſet any white object, or any other thing whatſoever in the ſaid river *Tweed*, or in any river, rivulet, brook, ſtream, mill-pool, mill-lead, ſluice, or cut, which communicates with the ſaid river *Tweed*, or in the mouth or entrance of the ſaid river, or in, over, or acroſs the ſaid river *Tweed*, or any river, rivulet, brook, ſtream, mill-pool, mill-lead, ſluice, or cut, or in the mouth or entrance of the ſaid river *Tweed*, in order to prevent the ſaid fiſh from entering the ſaid river *Tweed*, or from going up and down the ſaid river, or any river, rivulet, brook, ſtream, mill-pool, mill-lead, ſluice, or cut aforeſaid, or ſhall by any other ways, or in any other manner prevent the fiſh from entering the ſaid river, and going up and down the ſaid rivers and waters before deſcribed, every perſon ſo offending ſhall, for every offence, forfeit any ſum not exceeding five pounds, nor leſs than ten ſhillings.

If any perſon ſhall beat the water, or in any other manner prevent the fiſh entering the river, &c. he ſhall forfeit any ſum not more than 5l. nor leſs than 10s.

V. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the owner or owners of any fiſhery in the ſaid river *Tweed*, or for the owner or owners of any fiſhery in any river which runs into the river *Tweed*, and for all and every perſon or perſons having his, her, or their authority, licenſe, or leave ſo to do, to angle or fiſh with rods and lines at any time or times between the ſaid tenth day of *January*, and the tenth day of *October*, in any year, for any kind or ſort of fiſh in his, her, or their own fiſhery or fiſheries, notwithſtanding the ſame ſhall be let to any perſon or perſons; and alſo to take, carry away, and make uſe of the fiſh ſo taken; and no ſuch owner or perſon, having, ſuch authority, licenſe, or leave, ſhall be liable, on account of any ſuch angling, to any penalty inflicted by this act; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Perſons may angle at certain times in their own fiſheries.

VI. And be it enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall, at any time or times after the ſaid twelfth day of *May*, one thouſand ſeven hundred and ſeventy-one, lay or place any dirt or rubbiſh in the ſaid river *Tweed* below high-water mark, every ſuch perſon ſhall forfeit and pay the ſum of twenty ſhillings for every ſuch offence.

Laying dirt, &c. in the river the forfeiture 20s.

VII. *And whereas of late perſons have made a practiſe of fiſhing in the mouth or entrance of the river* Tweed, *by which practice the fiſh are diſturbed and hindered from entering the ſaid river*, be it there-

Perſons killing ſalmon, &c. in the entrance of the

Tweed, to forfeit 10s. for each fiſh,

therefore further enacted by the authority aforeſaid, That from and after the ſaid twelfth day of *May*, one thouſand ſeven hundred and ſeventy-one, if any perſon or perſons whatſoever ſhall, at any time or times, fiſh for, take, or kill any ſalmon, gilſe, ſalmon trout, or whitling, within the mouth or entrance of the ſaid river *Tweed*, every ſuch perſon or perſons ſhall forfeit the ſum of ten ſhillings for every ſalmon, gilſe, ſalmon trout, or whitling ſo taken or killed, together with the boats, tackle, nets, engines, and all other devices made uſe of in taking or killing the ſame, and alſo the fiſh ſo killed or taken; and all ſuch boats, tackle, nets, engines, and other devices ſo forfeited, ſhall be cut to pieces, burnt, or otherwiſe deſtroyed; or if any perſon or perſons ſhall buy or ſell, or offer to ſale, or have in his, her, or their cuſtody or poſſeſſion, any ſalmon, gilſe, ſalmon trout, or whitling, knowing the ſame to have been killed or taken within the mouth or entrance of the ſaid river, every perſon offending in any of the caſes aforeſaid ſhall forfeit the ſum of ten ſhillings for every ſuch ſalmon, gilſe, ſalmon trout, or whitling ſo bought, ſold, or which ſhall be in his, her, or their cuſtody or poſſeſſion.

and buying or ſelling, or having ſuch fiſh in their poſſeſſion, knowing the ſame to be ſo killed, to forfeit 10s.

Perſons having a right may fiſh in the entrance of the river by the regulations herein before mentioned.

VIII. Provided always, That nothing herein contained ſhall any-ways prejudice or affect the right of the owners or proprietors of fiſheries, or the right of any other perſon or perſons who now are, or at any time hereafter ſhall or may be ſeized, poſſeſſed of, or intitled to, any manors, ſeigniories, or royalties within the mouth or entrance of the ſaid river *Tweed*, as the ſame is herein before deſcribed; but that all and every ſuch owners and proprietors, and other perſon or perſons, as laſt are mentioned, ſhall have and enjoy all ſuch right of fiſhery within the ſaid mouth or entrance of the ſaid river *Tweed* as they have hitherto lawfully exerciſed or enjoyed, or could or might have lawfully exerciſed or enjoyed in caſe this act had not been made (ſo as ſuch right be uſed and exerciſed at ſuch times and ſeaſons only, under ſuch regulations, and ſubject to ſuch penalties and forfeitures as are herein before directed concerning the fiſheries within the ſaid river *Tweed*, and within the mouth or entrance thereof); any thing in this act contained to the contrary in anywiſe notwithſtanding.

Penalties, &c. how to be recovered and applied.

IX. And be it further enacted by the authority aforeſaid, That the penalties or forfeitures for offences againſt this act may be levied and recovered by diſtreſs and ſale of the offenders goods and chattels, upon proof of the offence or offences before any one or more juſtice or juſtices of the peace within that part of *Great Britain* called *England*, the town of *Berwick upon Tweed*, or the bounds and liberties thereof, or before any juſtice or juſtices of the peace, or ſheriff-depute, within that part of *Great Britain* called *Scotland*, for the county, ſhire, liberty, or place where the offender or offenders ſhall be or reſide, either by the confeſſion of the party or parties, or upon the oath or oaths of one or more witneſs or witneſſes, by warrant or warrants under the hand and ſeal or hands and ſeals of ſuch juſtice or juſtices

in

in that part of *Great Britain* called *England*, the town of *Berwick upon Tweed*, or the bounds and liberties thereof, or by warrant or warrants in due form of law of ſuch juſtice or juſtices, or ſheriff-depute, in that part of *Great Britain* called *Scotland*, (all which warrants ſuch juſtice or juſtices, or ſheriffs-depute, is and are hereby authoriſed and required to grant, and to adminiſter ſuch oath or oaths); and the penalties and forfeitures which ſhall be ſo levied and paid, ſhall, from time to time, be applied, one moiety to the informer or informers, and the other moiety to the poor of the pariſh or place where the offender or offenders ſhall be or reſide; and the overplus remaining (if any), after ſuch penalties and forfeitures, and all charges attending the levying and recovering thereof, are deducted, ſhall on demand be returned to the owner or owners of the goods and chattels ſo diſtrained; and in caſe ſufficient diſtreſs ſhall not be found, or ſuch penalties and forfeitures ſhall not be forthwith paid, that then it ſhall and may be lawful for ſuch juſtice or juſtices, or ſheriff-depute, and he and they is and are hereby reſpectively authoriſed and impowered to commit every ſuch offender or offenders to the common gaol or houſe of correction, for any time not exceeding three months, nor leſs than one month, as the ſaid juſtice or juſtices, or ſheriff-depute, upon conſideration of the circumſtances, ſhall think fit.

Convictions ſhall be in the following form.

X. And be it further enacted by the authority aforeſaid, That the conviction or convictions of all and every offender or offenders againſt this act, within that part of *Great Britain* called *England*, the town of *Berwick upon Tweed*, or the bounds and liberties thereof, ſhall be certified by the juſtice or juſtices of the peace, by or before whom the ſame ſhall be made, to the next general quarter ſeſſions of the peace to be held for the county or place where the offender ſhall be convicted, and ſhall be filed amongſt the records of the ſaid ſeſſions; and ſuch conviction ſhall be in the following form of words, or to the like effect; (that is to ſay)

Form of conviction for offences.

To wit. } BE *it remembered, That on the day of in the year* A. B. *was, upon the complaint of* C. D. *convicted before me* [or *us*, as the caſe ſhall happen] *in purſuance of an act paſſed in the eleventh year of the reign of his majeſty King* George *the Third*, for regulating and improving the fiſheries in the river *Tweed*, and the rivers and ſtreams running into the ſame, and alſo within the mouth or entrance of the ſaid river. *Given under my* [or *our*] *hand and ſeal* [or *hands and ſeals*, as the caſe ſhall happen] *the day and year above written.*

which ſaid conviction ſhall be good and valid in the law to all intents and purpoſes, and ſhall not be quaſhed, ſet aſide, or judged void or inſufficient for want of form only, and ſhall not be liable to be removed by *Certiorari* into his Majſty's court of

King's

King's Bench, but ſhall be deemed and taken to be final to all intents and purpoſes whatſoever.

Perſons puniſhed for offences by this act, not to be liable to be proſecuted upon any other act.

XI. Provided always, That where any offender ſhall be puniſhed for any offence by virtue of this act, ſuch offender ſhall not again be proſecuted, nor incur any penalty by virtue of any other law or ſtatute, or be liable to any other puniſhment for the ſame offence; and no perſon ſhall incur any penalty, or ſuffer any puniſhment for any offence committed againſt this act, unleſs the proſecution of the ſame ſhall be commenced within ſix months after ſuch offence committed.

Perſons aggrieved by the act of any juſtice may appeal to the next quarter ſeſſions.

XII. And be it enacted by the authority aforeſaid, That all and every perſon or perſons who ſhall think himſelf, herſelf, or themſelves aggrieved by any judgement of any juſtice or juſtices of the peace, in any of the caſes aforeſaid, may appeal to the juſtices of the peace for the county, ſhire, liberty, or place, where ſuch judgement ſhall be given, at their then next general quarter ſeſſions; but no ſuch appeal ſhall be received, heard, or determined, unleſs the appellant or appellants ſhall firſt give, or cauſe to be given, fourteen days notice in writing to the juſtice or juſtices from whoſe judgement, ſentence, or determination he, ſhe, or they ſhall appeal, of his, her, or their intention to bring ſuch appeal, and ſhall alſo enter into a recognizance, with two ſufficient ſureties conditioned to try ſuch appeal; and the ſaid juſtices at their ſaid ſeſſions, upon due proof of ſuch notice given as aforeſaid, ſhall hear and determine every ſuch appeal in a ſummary way, and ſhall award and order to the party for whom, and in whoſe behalf ſuch appeal ſhall be determined, ſuch coſts and charges as they in their diſcretion ſhall think reaſonable and juſt to be paid by the party or parties againſt whom ſuch appeal ſhall be determined; and in caſe ſuch coſts and charges ſhall not be paid within the ſpace of ſix days, the ſame ſhall and may be levied by diſtreſs and ſale of the goods and chattels of the perſon or perſons ordered to pay the ſame; and if the perſon or perſons ordered to pay ſuch coſts ſhall happen to remove or go into any county, ſhire, liberty, or place, out of the juriſdiction of the ſaid court where ſuch appeal ſhall be brought or heard, it ſhall and may be lawful for any juſtice of the peace of or for the county, ſhire, liberty, or place wherein ſuch perſon ſhall inhabit or be found, and every ſuch juſtice of the peace is hereby required, upon requeſt to him for that purpoſe to be made, and a true copy of the order for the payment of ſuch coſts and charges produced and proved by ſome credible witneſs upon oath (which oath ſuch juſtice is hereby impowered to adminiſter) by warrant in due form of law, to cauſe the money mentioned in that order to be levied by diſtreſs and ſale of the goods and chattels of the perſon that is ordered and ought to pay the ſame; and the determination of the ſaid juſtices, at ſuch quarter ſeſſion, ſhall be binding and concluſive to all intents and purpoſes whatſoever; and no proceeding to be had touching the conviction of any offender or offenders againſt this act, or any order made, or other matter or thing to be done or tranſacted in

in or relating to the execution of this act, ſhall be vacated or quaſhed for want of form, or be removed by *Certiorari*, or any other writ or proceſs whatſoever: and that all and every perſon or perſons who ſhall think himſelf, herſelf, or themſelves aggrieved by any judgement of any ſheriff-depute in any of the caſes aforeſaid, may appeal to the lords of juſticiary in the next circuit court of the circuit wherein ſuch county or ſhire ſhall lie, in the way, manner, and form, and under and upon the limitations and conditions preſcribed by and contained in an act of parliament, paſſed in the twentieth year of the reign of his late Majeſty, *for taking away and aboliſhing the hereditable juriſdictions in that part of* Great Britain *called* Scotland, and for other purpoſes therein mentioned.

And thoſe aggrieved by the judgement of any ſheriff depute may appeal to the lords of juſticiary in the next circuit court.

XIII. And be it further enacted by the authority aforeſaid, That no action at law ſhall be brought or commenced againſt any perſon or perſons for any thing done or to be done by virtue of this act, within that part of *Great Britain* called *England*, the town of *Berwick upon Tweed*, or the bounds and liberties thereof, until after fourteen days notice thereof in writing ſhall be given to the perſon or perſons againſt whom ſuch action ſhall be intended to be ſo brought, or left at his or their laſt or uſual place of abode, ſetting forth the cauſe of ſuch action; and that every action brought for any thing done or to be done as aforeſaid, ſhall be brought within the ſpace of ſix calendar months next after the cauſe of complaint ſhall ariſe, and ſhall be laid and tried in the county or place where the fact was committed, and not elſewhere; and the defendant or defendants therein may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done by virtue hereof: and if, on the trial of ſuch action, it ſhall appear that the ſame was brought before the expiration of fourteen days next after ſuch notice ſhall have been ſo given or left as aforeſaid, or after the end of ſix calendar months next after the cauſe thereof ſhall have ariſen, or if ſuch action ſhall be brought or laid in any other county or place than as aforeſaid, or after ſufficient tender of amends ſhall have been made to the party or parties aggrieved, that then, and in any of the caſes aforeſaid, the jury ſhall find for the defendant or defendants therein; and in all caſes where any verdict ſhall be found for any defendant or defendants in ſuch action, or if the plaintiff or plaintiffs ſhall diſcontinue the ſame after the defendant or defendants ſhall have appeared, or ſhall be nonſuited; or if, upon demurrer, judgement ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants in ſuch action ſhall have treble coſts, and have the like remedies for recovering the ſame as defendants have for recovering their coſts in other caſes by law.

Limitation of actions.

General iſſue.

Treble coſts.

XIV. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed and taken to be a publick act, and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whomſoever, without ſpecially pleading the ſame.

Publick act.

CAP.

CAP. XXVIII.

An act for punishing offences committed by hackney coachmen and chairmen, within certain districts and places therein mentioned; and for renewing the registry of carts and carriages.

WHEREAS *doubts have arisen whether offences committed by hackney coachmen and chairmen, within certain places, which by reason of the great increase and buildings, are now become the suburbs of the cities of* London *and* Westminster, *are cognizable under an act, made in the ninth year of the reign of her late majesty Queen* Anne, *in regard such places were not the actual suburbs of either of the said cities at the time of passing the said act, and that some of them are not comprised within the weekly bills of mortality:* for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, one thousand seven hundred and seventy-one, all and every the new squares, buildings, and streets, within the several parishes of *Saint Mary le Bone*; *Saint George, Hanover Square*; *Saint George the Martyr, Queen Square*; *and Saint George, Bloomsbury*; within the county of *Middlesex*, and also all the several burying grounds within five miles of the cities of *London* or *Westminster*, belonging to any of the parishes within the said cities of *London* or *Westminster*, or the parishes herein-before mentioned, shall be deemed, construed, and adjudged, to be within the cities of *London* or *Westminster*, or the suburbs thereof, according to the true intent and meaning of the said act; and that the jurisdiction and authorities of the commissioners for licensing hackney coaches and chairs, and of justices of the peace, and all the provisions, penalties, and forfeitures therein contained, shall extend, and be deemed, construed, and adjudged to extend, to all and every the said new squares, buildings, and streets, and also to the several burying grounds belonging to any of the parishes within the cities of *London* or *Westminster*, or any of the several other parishes herein-before particularly mentioned.

Preamble. Act 9° Anne. After June 24, 1771, the parishes of St. Mary le Bone, St. George the Martyr, St. George, Hanover Square, Saint George Bloomsbury, &c. with all burying grounds within five miles of London and Westminster, deemed to be within the limits of the said cities.

II. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners for licensing and and regulating hackney coaches and chairs to order and direct the several persons who take out licences for using hackney coaches, that they do provide, for the better accommodation of the publick, cheque strings or wires, to be placed in such convenient part of every such coach as to the said commissioners shall seem most convenient; and every hackney coachman plying for hire without such cheque string or wire, shall forfeit and pay, for every such offence the sum of five shillings; to be levied and recovered in such manner as other penalties and forfeitures

Commissioners to order cheque strings to every hackney coach; and every coachman plying without such shall forfeit 5 s.

feitures are, by any law now in being, relating to hackney coaches, directed to be levied and recovered.

All persons possessed of carts, cars, drays, &c. entered before Nov. 16, 1770, to make new entries, before Sept. 29, 1771.

III. *And whereas, in pursuance of the directions of several former acts for that purpose, a very considerable number of carts, cars, drays, fish machines, and other carriages have, from time to time, been entered with the said commissioners; which said entries were, by the late fire which happened in the hackney coach office, entirely consumed, and also all the books of entries of such numbers were totally destroyed, by means whereof the publick will be deprived of the benefit intended by the said several acts, unless some provision be made to compel the owners of such carts, cars, drays, fish machines, and other carriages, which had been entered at the said office, and were in use at the time the said fire happened, to make entries of such numbers as they were then possessed of, together with their names and respective places of abode*; be it therefore further enacted, that all and every person or persons who was or were possessed of any cart, car, dray, fish-machine, or other carriages, on the sixteenth day of *November*, one thousand seven hundred and seventy, being the day on which the said fire happened, and which had been respectively entered with the said commissioners, in pursuance of the said former acts, shall, and they are hereby respectively required to make a new entry of every such cart, car, dray, fish machine, or other carriage, with the said commissioners, on or before the twenty-ninth day of *September*, one thousand seven hundred and seventy-one; and for that purpose the owner or owners of such cart, car, dray, fish machine, or other carriage, shall make out and deliver, or cause to be made out and delivered, in writing, to to the said commissioners, at the office for licensing hackney coaches, within the time aforesaid, the true and real number and numbers of every such cart, car, dray, fish machine, or other carriage so entered as aforesaid, which was or were in use, or which might lawfully have been used and employed on the said sixteenth day of *November*, together with the name and place of abode of the owner thereof; and thereupon the said commissioners shall, and they are hereby authorised and required, without fee or reward, to make an entry or entries of every such cart, car, dray, fish machine, or other carriage, together with the respective number thereof, and the name and the place or places of abode of the respective owners thereof, in books to be by them provided for that purpose.

Persons neglecting to make such entries, shall be subject to all former penalties.

IV. And be it further enacted by the authority aforesaid, That in case any person or persons shall neglect or refuse to make such entry or entries as aforesaid, with the said commissioners, within the time herein before limited, every such person so neglecting or refusing to make such entry or entries, shall be deemed and taken to have and be possessed of no such number or numbers, nor to have made any entry or entries whatsoever, with the said commissioners, and shall be subject and liable to to all and every the penalties and forfeitures incurred, by all or any of the several acts heretofore made for that purpose, in the same manner and to all intents and purposes, as if no such en-

try or entries had been ever made; any thing in any former act, or acts, to the contrary thereof notwithstanding.

In all actions commenced, defendants may plead the general issue.

V. And be it enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, the defendant or defendants, in any such action or suit, may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, a verdict shall be recorded for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover double costs, and have the like remedy for the same as any defendant or defendants hath or have, in other cases by law, for recovery of his or their costs.

Double costs.

CAP. XXIX.

An act for consolidating, extending, and rendering more effectual the powers granted by several acts of parliament, for making, enlarging, amending, and cleansing the vaults, drains, and sewers within the city of London, *and liberties thereof; and for paving, cleansing, and lighting the streets, lanes, squares, yards, courts, alleys, passages, and places; and preventing and removing obstructions and annoyances within the same.*

Preamble. Act 19° Carol. secundi;

WHEREAS *by an act of parliament made and passed in the nineteenth year of the reign of his late majesty King* Charles *the Second, intituled,* An act for rebuilding the city of *London, it was, amongst other things, enacted, That the number and places for all common sewers, drains, and vaults, within the city of* London *and liberties thereof, should be designed and set out by such and so many persons as the mayor, aldermen and commonalty of the said city, in common council assembled, should, from time to time, authorise and appoint under their common seal, or the major part of them; to which persons several powers and authorities are thereby given, for making new vaults, drains, or sewers, or for cutting into any drain or sewer already made; and for altering, enlarging, amending, cleansing, and scouring of any old vaults, sinks, or common sewers: and*

Act 22° & 23° Car. 2.

whereas by another act made in the twenty-second and twenty-third years of the same reign, the said clause, or branch of the said in part recited act, was made perpetual, and the powers and authorities thereby given were directed to be for ever thereafter put in execution, according to the purport and effect of the said former act, and for defraying the charges thereof, the said persons so to be appointed as aforesaid, or any seven or more of them, were empowered from time to time, to impose and levy a reasonable tax or assessment, upon the several wards within the said city and liberties, in manner therein mentioned,

tioned, to be aſſeſſed as well upon the tenants or occupiers of houſes, ſhops, or other tenements or hereditaments, as upon the owners or others, intereſted in ſuch houſes, toſts, or ground, unbuilt, and other hereditaments whereof there ſhould be no preſent occupier: and whereas, by another act, made in the ſeventh year of her late majeſty Queen Anne, *it was amongſt other things enacted, That the ſaid perſons ſo to be appointed as aforeſaid, ſhould execute, within the ſaid city and liberties, all and every the powers and authorities given to or veſted in any commiſſioners of ſewers in any other county or place, by force or virtue of any the laws and ſtatutes of this kingdom, or of any commiſſion to them granted purſuant to the ſame, and ſhould be deemed and taken to be commiſſioners of ſewers, within the limits aforeſaid, ſubject, nevertheleſs, to the limitations and directions of the ſaid firſt in part recited ſtatute: and whereas, by another act made in the eighth year of his preſent Majeſty's reign, intituled,* An act for the better paving, cleanſing, and enlightening the city of *London* and liberties thereof, and for preventing obſtructions and annoyances within the ſame, and for other purpoſes therein mentioned; and for repealing an act made in the ſixth year of his preſent Majeſty's reign, for thoſe purpoſes; *the ſole power and authority of pitching, paving, cleanſing, and enlightening the ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, within the ſaid city and liberties, are veſted in the ſaid mayor and commonalty, and citizens, to be executed by ſuch perſons as by the ſaid mayor, aldermen, and commons, of the ſaid city, in common council aſſembled, by virtue and in purſuance of the ſaid in part recited act, of the twenty-ſecond and twenty-third years of his ſaid majeſty King* Charles *the Second, then were, or thereafter from time to time ſhould be authoriſed and appointed to be commiſſioners of the ſewers for the ſaid city and liberties, or by any ſeven or more of them; which ſaid perſons, ſo from time to time authoriſed and appointed to be commiſſioners of the ſewers for the ſaid city and liberties, were thereby conſtituted commiſſioners for carrying the ſaid act of the eighth year of the reign of his preſent Majeſty into execution: and whereas the powers given and granted in and by the ſaid ſeveral in part recited acts, have been found defective and inſufficient to anſwer the good purpoſes thereby intended; and whereas ſeveral of the ſtreets, and places within the ſaid city and liberties, for want of proper ſewers, drains, or vaults, are frequently annoyed, the houſes and buildings therein weakened and rendered of leſs uſe, and the health of his Majeſty's ſubjects greatly affected: and whereas the rates and aſſeſſments which the perſons ſo appointed by the ſaid mayor, aldermen, and commons, in common council aſſembled, are by the ſaid act of the eighth year of the reign of his preſent Majeſty, authoriſed and impowered to raiſe and levy, for paving, cleanſing, and lighting the ſaid city and liberties, will be ſufficient, by degrees, alſo to defray the expence of making new ſewers and publick drains and vaults, where wanted, and of enlarging and altering old ones where neceſſary, and the expence of repairing and cleanſing all the ſaid ſewers, drains, and vaults, ought to be defrayed by the landlords or proprietors of the houſes and lands within the ſaid city and liberties:* may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the

Act 7° Annæ.

Act 8° Geo. 3.

inſufficient to anſwer the purpoſes intended.

King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, that from and after the paſſing this act, the ſole power of ordering, deſigning, making, enlarging, widening, deepening, raiſing, altering, removing, repairing, cleanſing, and ſcouring of all common ſewers, drains, and vaults; and of paving, cleanſing, and lighting the ſeveral ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, within the ſaid city of *London* and liberties thereof, ſhall be, and the ſame is hereby veſted in the mayor and commonalty and citizens of the ſaid city, to be executed by ſuch perſons as by the mayor, aldermen, and commons of the ſaid city in common council aſſembled, ſhall, from time to time, be nominated, and under the common ſeal of the ſaid mayor and commonalty and citizens, be appointed for that purpoſe, which ſaid perſons ſo from time time to be nominated and appointed, ſhall be, and they are hereby conſtituted commiſſioners for carrying this act into execution.

The recorder and common ſerjeant ſhall be commiſſioners.

II. Provided always, and it is hereby further enacted, that the authority of the ſaid commiſſioners for the time being ſhall in no wiſe be ſuſpended or taken away, ſave by the appointment, from time to time, of new commiſſioners for the ſaid city and liberties: provided alſo, that the recorder and common ſerjeant of the ſaid city of *London* for the time being, ſhall be, and they are hereby conſtituted and appointed two of the commiſſioners for carrying this act into execution.

The powers to be exerciſed by the major part of the commiſſioners.

III. Provided alſo, and it is hereby further enacted and declared, that all the powers and authorities, by this act granted to or veſted in the ſaid commiſſioners, hereby conſtituted as aforeſaid, ſhall and may, from time to time, be exerciſed by the major part of ſuch of them as ſhall attend at any publick meeting of the ſaid commiſſioners, to be holden as herein after mentioned, the number of the ſaid commiſſioners, preſent at ſuch publick meeting not being leſs than ſeven, (except for the purpoſe of adjourning) and all acts, orders, and proceedings of the ſaid commiſſioners preſent at ſuch publick meeting, ſhall have the ſame force and effect as if done or made by all the commiſſioners conſtituted by this act.

Firſt publick meeting.

IV. And it is hereby further declared and enacted that the firſt publick meeting of the ſaid commiſſioners, to be had by virtue of and under this act, ſhall be at ſuch time and place, within the ſaid city and liberties, as the mayor of the ſaid city ſhall think proper to order and appoint: and the ſaid mayor is hereby directed to order and appoint ſuch firſt publick meeting to be held on or before the firſt day of *June* next, and to cauſe the ſaid commiſſioners to be ſummoned to attend the ſame.

Power to adjourn.

V. And it is hereby further enacted and declared, that it ſhall and may be lawful to and for the major part of the ſaid commiſſioners preſent at ſuch publick meeting, or at any ſubſequent publick meeting of the ſaid commiſſioners (the number ſo attending

tending not being leſs than three) to adjourn ſuch publick meeting to any future day and time, and to any place within the ſaid city and liberties: provided always, that every commiſſioner ſhall have notice to attend at ſuch adjourned publick meeting, by ſummons from the clerk to the ſaid commiſſioners for the time being.

Mayor to appoint a publick meeting.

VI. Provided alſo, and it is hereby further enacted and declared, that it ſhall and may be lawful to and for the mayor of the ſaid city, for the time being, from time to time, to appoint a publick meeting of the ſaid commiſſioners, at any time and place within the ſaid city or liberties, which he ſhall judge proper for the execution of this act, notwithſtanding any adjournment or nonadjournment of the ſaid commiſſioners; and ſhall cauſe the ſaid commiſſioners to be ſummoned to attend the ſame.

Commiſſioners to appoint clerks.

VII. And it is hereby further enacted, that the ſaid commiſſioners ſhall and may, from time to time, at any of their ſaid publick meetings, elect and appoint one or more clerk or clerks, and one or more ſurveyor or ſurveyors, and alſo ſuch and ſo many other officers as they ſhall find neceſſary for the due execution of this act, (fourteen days notice of their intention to proceed to ſuch election or appointment having been firſt printed and publiſhed in two or more of the daily news-papers, and notice thereof being alſo expreſſed in the ſummons for ſuch publick meeting;) and the ſaid commiſſioners ſhall take ſuch ſecurity as they ſhall think proper, for the due execution of ſuch reſpective offices; and ſhall and may, from time to time, remove any of the ſaid officers at their will and pleaſure, and appoint others in the room of ſuch as ſhall die, or be removed as aforeſaid: and the ſaid commiſſioners ſhall and may, out of the monies ariſing, or to ariſe by virtue of this act, appoint and pay ſuch ſalaries, gratuities, and allowances, as they ſhall judge reaſonable, to ſuch officers, and to all ſuch other perſons as ſhall have been, or ſhall be employed in, or aiding and aſſiſting about the execution of this act.

Clerks, &c. ſhall not take fee.

VIII. And it is hereby further enacted, that if any clerk, ſurveyor, or other officer or ſervant, who ſhall be employed by the ſaid commiſſioners, in the execution of this act, or any part thereof, ſhall exact, demand, take, or accept any fee, gratuity, or reward whatſoever (other than ſuch ſalaries, allowances, and rewards, as ſhall be appointed, allowed, and approved of by the ſaid commiſſioners) for or on account of any thing done, or to be done, by virtue of this act, or for forbearing to do any thing hereby or by the ſaid commiſſioners directed to be done, on any account whatſoever, relative to the execution or nonexecution of this act, or ſhall any-way be concerned in intereſt, in any bargain made, or to be made, by the ſaid commiſſioners, for any of the purpoſes intended by this act, every perſon ſo offending ſhall, from thenceforth for ever, be incapable of being employed under this act; and ſhall, over and above, forfeit and pay the ſum of fifty pounds, to any perſon or perſons who ſhall ſue for the ſame, to be recovered in any of his Majeſty's courts of record

at *Weſtminſter*, or within the ſaid city, by action of debt, bill, plaint, or information, to be commenced within ſix calendar months next after the offence committed; in which action no ſuit, nor protection, eſſoin, or wager of law, or more than one imparlance, ſhall be allowed.

Proceedings to be entered.

IX. And it is hereby further enacted, that all the acts, orders, and proceedings of the ſaid commiſſioners, at their ſaid publick meetings, from time to time, ſhall be entered in a book or books to be kept for that purpoſe by the ſaid commiſſioners, and ſhall be ſigned by their clerk for the time being; and ſuch entries ſhall be deemed and taken to be the original orders and proceedings of the ſaid commiſſioners; and ſuch book or books ſhall and may be produced and read in evidence in all courts whatſoever.

Perſons not free of the city may be employed.

X. And it is hereby further enacted, that the ſaid commiſſioners may, and they are hereby authoriſed and impowered, from time to time, to employ under them any fit perſon or perſons, whether free of the ſaid city or not, in or about all or any of the works which they ſhall cauſe to be performed, by virtue or in purſuance of this act, and to contract for the performance of ſuch works, or any of them, with any perſon or perſons whatſoever, in ſuch manner as the ſaid commiſſioners ſhall think fit: and that no perſon or perſons who ſhall be ſo employed or contracted with, nor any perſon or perſons to be ſet to work by, or under them, or any of them, ſhall for any act done, or to be done, in or about any of the works aforeſaid, be ſubject or liable to any action, indictment, or information, upon the ſtatute made in the fifth year of her late Majeſty queen *Elizabeth*, intituled, *An act containing divers orders for artificers, labourers, ſervants of huſbandry, and apprentices*, or be liable to be ſued for any breach of the cuſtom of *London*, or for any penalty inflicted by any bye-law of the ſaid city.

Notice of contracts to be given.

XI. Provided always, that previous to the making of any ſuch contract, notice ſhall be given in ſome of the daily news-papers, that the ſaid commiſſioners do intend to make ſuch contract, and that all perſons willing to engage therein may make propoſals to the ſaid commiſſioners, at a certain time and place, in every ſuch notice to be ſpecified; and all contracts made, or to be made, in conſequence of ſuch notice, ſhall ſpecify the ſeveral works to be done, and the price or prices to be paid for the ſame, and the time or times when the ſaid works are to be compleated, together with the penalties to be incurred in caſe of the non-performance thereof, and the ſame ſhall be ſigned by the clerk for the time being of the ſaid commiſſioners, as alſo by the perſon or perſons contracting to perform ſuch works reſpectively, and ſhall be entered in a book or books to be kept for that purpoſe by the ſaid commiſſioners.

No member of the common council to be concern-

XII. Provided alſo, and it is hereby further enacted, that no perſon being a member of the court of common council of the ſaid city, ſhall be directly or indirectly, intereſted, or concerned in any contract, which ſhall be made or entered into by or on behalf

behalf of the ſaid commiſſioners, for or concerning any of the ſaid works to be carried on or performed in purſuance of this act, or for or concerning any materials to be uſed or employed thereſein, upon pain that every ſuch contract ſhall be null and void, and that the perſon who, being a member of the ſaid court, ſhall be ſo intereſted or concerned therein, ſhall, for every ſuch offence, forfeit and pay the ſum of one hundred pounds to any perſon or perſons who ſhall ſue for the ſame, to be recovered in any of his Majeſty's courts of record at *Weſtminſter*, or in the ſaid city, by action of debt, bill, plaint or information, to be commenced within ſix calendar months next after the offence committed, in which action or ſuit, no protection, eſſoin, or wager of law, or more than one imparlance ſhall be allowed; and every perſon againſt whom the ſaid penalty ſhall be recovered, ſhall for ever thereafter be diſabled from being elected a member of the ſaid court of common council. ed in any contract.

XIII. And it is hereby further enacted, that the ſaid commiſſioners may cauſe ſuch and ſo many new ſewers, drains, and vaults, as they ſhall think proper to be dug, and made, in, along or acroſs any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, within the ſaid city and liberties, and alſo any of the ſewers and publick drains, and vaults, which now are, or hereafter ſhall be, within the ſaid city and liberties, to be enlarged, widened, deepened, raiſed, altered, removed, repaired, cleanſed, or ſcoured, when, and as often as to them ſhall ſeem meet; and alſo may cauſe all or any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, to be new paved, or repaired, when, and as often, and in ſuch manner, and with ſuch materials, as the ſaid commiſſioners ſhall think fit; and for any of the ſaid purpoſes may, from time to time, cauſe to be dug, carted, and carried out of, or brought into the ſaid ſtreets, or places, or any of them ſuch gravel, ſtones, bricks, and other materials, as they ſhall judge neceſſary, and may likewiſe cauſe the ground thereof to be raiſed or lowered, the courſe of the channel running in, into, or through the ſame, to be turned or altered, and the water pipes which now lie, or hereafter ſhall be-laid under ground, to be taken up and new laid, in ſuch places, manner, and form, as they the ſaid commiſſioners ſhall judge beſt; and may cauſe ſuch poſts, bars, and chains, as they ſhall think uſeleſs or inconvenient, to be taken away, or removed; and likewiſe, all ſteps, bulks, ſhew-glaſſes, ſhew-boards, balconies, windows, window frames, and ſtall boards, encroaching upon or extending over the foot-ways, and alſo all ſteps and doors opening or leading from the foot-ways into vaults or cellars to be taken away, removed or altered; any thing contained in the act of the nineteenth year of the reign of king *Charles* the ſecond, for rebuilding the city of *London*, to the contrary thereof in any wiſe notwithſtanding. Sewers, &c. to be made, and the ſtreets to be paved by the commiſſioners.

XIV. Provided always, and it is hereby further enacted and declared, that no new ſewer, drain, or vault, ſhall be made, nor ſhall any common ſewer, publick drain, or vault, which is already made, Not to extend to the drains belonging to

Saint Paul's cathedral.

made, be enlarged, widened, deepened, raiſed, or altered, in any manner, by virtue of this act, ſo as to communicate with, or any ways injure, prejudice, or affect any ſewer, drains, way-draught, or vault, now belonging to the cathedral church of *Saint Paul* in *London*, and which is ſituate, lying and being in the church-yard, of the ſaid cathedral church, as well without as within the rails thereof, and which hath been made for the uſe or benefit of the ſaid cathedral, and have been and now are kept in repair by the order, and under the direction of the lord archbiſhop of *Canterbury*, the lord biſhop of *London*, and lord mayor of *London* for the time being, as truſtees for the fabrick of the ſaid cathedral church, without the conſent of the ſaid truſtees, or the major part of them, and of the dean and chapter of the ſaid cathedral church for the time being, firſt had and obtained in writing for that purpoſe.

Signs, &c. to be taken down or removed by the commiſſioners.

XV. And it is hereby further enacted that the ſaid commiſſioners ſhall and may cauſe all ſigns, or other emblems uſed to denote the trade, occupation, or calling of any perſon or perſons, ſign-poſts, ſign-irons, balconies, penthouſes, ſhew-boards, ſpouts, and gutters, projecting into any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, and all other incroachments, projections, and annoyances whatſoever, within the ſaid city or liberties, to be taken down and removed, and ſhall cauſe all ſigns, or other emblems as aforeſaid, ſhew-boards and gutters, or ſuch parts thereof as they ſhall think fit, to be affixed or placed on the fronts of the houſes, ſhops, warehouſes, or buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; and ſhall return, or cauſe to be returned, to their reſpective owners, ſo much of ſuch ſigns or other emblems, ſign-poſts, or other poſts, ſign-irons, ſhew-boars, ſpouts, and gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of in the alterations directed by this act; and that for the future, all ſigns, ſign-boards, and gutters, ſhall be placed or fixed on the fronts of the houſes, ſhops, warehouſes, or buildings, to which they reſpectively belong, and not otherwiſe; and if any perſon or perſons ſhall, at any time hereafter, hang, place, erect, or build, any ſign, ſign-poſt, or other poſt, ſign-iron, balcony, pent-houſe, ſhew-board, ſpout, gutter, or other projection, obſtruction, or annoyance, or cauſe the ſame to be done, contrary to the direction aforeſaid, every perſon ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of five pounds, and the further ſum of twenty ſhillings for every day ſuch offence ſhall continue.

Cranes to be kept cloſe to the walls of warehouſes.

XVI. Provided always, and it is hereby further enacted, that it ſhall and may be lawful to and for any perſon or perſons to keep any crane or cranes already fixed up againſt any warehouſe or warehouſes, within the ſaid city and liberties thereof, or to affix any crane or cranes to ſuch warehouſe or warehouſes, and to make uſe of ſuch crane or cranes, ſo as ſuch crane or cranes be turned and kept cloſe to the walls of ſuch warehouſe or warehouſes when not in actual uſe; any thing in this act, or any former

former law, cuſtom, or ſtatute to the contrary thereof in anywiſe notwithſtanding.

XVII. And, for the more ſpeedy removal of ſundry nuiſances and obſtructions within the ſaid city and liberties, it is hereby further enacted, that if after the paſſing of this act, any common ſtage waggon, or other waggon, or any cart, dray, or other carriage, ſhall, for the purpoſe of loading or unloading the ſame, or any part thereof, be ſuffered to ſtand or continue in any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, above the ſpace of one hour at any one time; or if any cart, waggon, dray, or other carriage, ſhall be placed and ſuffered to ſtand athwart or acroſs any ſuch ſtreet, lane, ſquare, yard, court, alley, paſſage, or place, for the loading or unloading thereof, or for any other purpoſe whatſoever; or if any ſuch cart, waggon, dray, or other carriage, ſhall be ſuffered to ſtand or continue in any part of any ſuch ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, longer than is neceſſary for the loading or unloading thereof; or if any goods, materials, or things whatſoever, ſhall be laid or placed, and left in any ſuch ſtreet, lane, ſquare, yard, court, alley, paſſage, or place, ſo as to obſtruct the free paſſage thereof; then, and in every ſuch caſe, any one of the ſaid commiſſioners, or any one of their officers, to be by them appointed to remove nuiſances, ſhall and may ſeize, or cauſe to be ſeized, the ſtage waggon, cart, waggon, dray, or other carriage, ſo placed or ſuffered to ſtand or continue, contrary to the true meaning of this act, together with the horſe or horſes thereunto belonging, or the goods, materials or things, ſo laid or placed, and left as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to the common pound of the ſaid city, commonly called *the Green Yard*, there to be kept and detained until the owner or owners thereof, or his, her, or their known ſervant or ſervants ſhall and do claim the ſame, and pay to the perſon or perſons in whoſe cuſtody the ſame ſhall then be the ſum of twenty ſhillings, together with the charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid ſum of twenty ſhillings and charges paid, within the ſpace of three days next after ſuch ſeizure, it ſhall and may be lawful to and for the ſaid commiſſioners, to cauſe the ſame, or a competent part thereof, to be appraiſed and ſold, for payment of the ſaid penalty and charges, returning to ſuch owner or owners, upon demand, the goods and things not ſold, together with the overplus (if any) of the monies ariſing by ſuch ſale.

Waggons ſhall not ſtand in the ſtreet above one hour.

XVIII. And it is hereby further enacted, that if any perſon or perſons whatſoever, ſhall erect or build or cauſe to be erected or built, any poſts, bars, rails, boards, or other things, by way of incloſure, for the purpoſe of making mortar, or depoſiting bricks, lime, or other materials, for building or repairing any houſe or houſes, building or buildings, or other works, within the ſaid city or liberties, in any other manner, or ſhall ſuffer the ſame to remain for any longer time than ſhall be neceſſary for

Continuance of boards in the ſtreets, how to be prevented.

for ſuch building or repairs, or ſhall lay any rubbiſh within ſuch incloſure, or in any publick ſtreet, paſſage or place within the ſaid city or liberties, or cauſe the ſame to be done, and complaint thereof ſhall be made to the ſaid commiſſioners by any two houſeholders of the ſaid city or liberties, and the ſaid commiſſioners ſhall, upon view, or other due proof of the matter of the ſaid complaint, find the ſame to be true; then, and in every ſuch caſe, the perſon or perſons erecting and building ſuch incloſure, and ſuffering the ſame to remain longer than ſhall be neceſſary as aforeſaid, ſhall, for every ſuch offence, forfeit and pay the ſum of twenty ſhillings; and moreover, it ſhall and may be lawful to and for the ſaid commiſſioners, to cauſe ſuch incloſure or erection to be pulled down and removed, and the materials thereof, as alſo all bricks, mortar, lime, or other valuable things contained within the ſame, or thereto belonging, to be depoſited in *the Green Yard* aforeſaid, there to be kept and detained until the owner or owners thereof, or his, her, or their known ſervant or ſervants, ſhall and do pay to the perſon or perſons in whoſe cuſtody the ſame ſhall be, the charges of pulling down and removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid charges paid, within the ſpace of eight days next after ſuch ſeizure thereof, it ſhall and may be lawful to and for the ſaid commiſſioners to order the ſame to be appraiſed and ſold, and the money ariſing therefrom ſhall be applied to the purpoſes of this act; and the ſaid commiſſioners are further authoriſed to remove ſuch rubbiſh to ſuch place as they ſhall think convenient, and every perſon laying ſuch rubbiſh, or cauſing or procuring the ſame to be laid, within, or on the outſide, or near to ſuch incloſure, or in any publick ſtreet, paſſage, or place within the ſaid city or liberties, ſhall forfeit and pay the ſum of twenty ſhillings, together with the expence of removing the ſame.

No lime to be ſlaked in the ſtreets, &c.

XIX. And is is hereby further enacted, that no perſon or perſons whatſoever ſhall ſlake lime in the foot-way or carriage-way of any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, or in any houſe or houſes within the ſame, upon pain that every perſon ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of forty ſhillings.

Bricklayers or plaſterers may ſlake in the cellars of houſes new-building or repairing.

XX. Provided always, that nothing herein contained ſhall be conſtrued to reſtrain any bricklayer or plaſterer from ſlaking lime within the yards or cellars of houſes which ſhall be new-building or repairing, or within the yards or cellars belonging to the dwelling-houſe of any ſuch bricklayer or plaſterer, ſo that the ſteam of ſuch lime be conveyed into and through the chimney of ſuch houſe reſpectively; and that no lime be ſlaked in any cellar or yard after the hour of ſeven of the clock in the morning, from *Lady-day* to *Michaelmas*, nor after the hour of eight of the clock in the morning, from *Michaelmas* to *Lady-day*; and if any lime ſhall be ſlaked contrary to the directions of this act, every perſon ſo offending ſhall, for each offence, forfeit and pay the ſum of forty ſhillings.

XXI. And

Damage being done to the foot-pavement.

XXI. And be it further enacted, that if any perſon or perſons ſhall for the future carry, run, drive, roll, or draw or cauſe to be carried, run, driven, rolled, or drawn, any bier, or any wheel or wheels, empty caſk or caſks, ſledge, wheelbarrow, or other carriage whatſoever, or ſhall ride, lead, or drive, any horſe, aſs, mule, or other cattle, coach, or other carriage whatſoever, along any part of the ſaid foot-pavements; then, and in any of the ſaid caſes, and ſo often as they or any of them ſhall happen, it ſhall and may be lawful to and for any perſon or perſons whatſoever, who ſhall ſee any ſuch offence committed, to ſeize, and alſo for any other perſon or perſons to aſſiſt in ſeizing ſuch offender or offenders, and by the authority of this act, and without any other warrant, to convey or deliver him, her, or them, into the cuſtody of a peace officer, in order to be ſecured and conveyed before ſome juſtice of the peace of the ſaid city; and the party or parties accuſed being brought before him, ſuch juſtice ſhall proceed to examine upon oath any witneſs or witneſſes who ſhall appear or be produced to give information touching ſuch offence, (which oath the ſaid juſtice is hereby authoriſed and required to adminiſter,) and if the party or parties accuſed ſhall be convicted of any ſuch offence, either by his, her, or their own confeſſion, or upon ſuch information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the ſum of ten ſhillings for the firſt time of offending; the ſum of twenty ſhillings for the ſecond time of offending; and the ſum of forty ſhillings for the third, and every other time of offending.

Offenders to forfeit, for firſt offence, 10s. &c.

Names of ſtreets, &c. to be fixed up:

XXII. And it is hereby further enacted, that the ſaid commiſſioners ſhall and may cauſe to be painted, engraved, or deſcribed in ſtone, or otherwiſe, and to be affixed in a conſpicuous part of one or more houſe or houſes, building or buildings at or near each end, corner or entrance, of each of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages or places the name by which each reſpective ſtreet, lane, ſquare, yard, court, alley, paſſage, or place, is or ſhall be properly or uſually called or known; and may alſo cauſe every houſe, ſhop or warehouſe in each of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages and places, to be marked or numbered in ſuch manner as they ſhall judge moſt proper for diſtinguiſhing the ſame; and if any perſon or perſons ſhall wilfully or maliciouſly deſtroy, pull down, obliterate, or deface, any ſuch names, deſcriptions, marks or numbers, or any part thereof, or cauſe or procure the ſame to be done, every perſon ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of forty ſhillings.

Penalty on deſtroying, &c. the ſame.

Alterations in the pavement of the ſtreets, not to be altered.

XXIII. And it is hereby further enacted, that no perſon or perſons ſhall, without authority from the ſaid commiſſioners, alter, or cauſe to be altered, the form of the pavement of any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, or in any way incroach thereupon, upon pain that every perſon ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of five pounds, over and above the expence of relaying and reinſtating the ſame, according to the directions of

the ſaid commiſſioners; the ſaid forfeitures and expences to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, in the name of the ſaid mayor and commonalty, and citizens of the ſaid city of *London*, to be commenced within ſix calendar months next after the commiſſion of ſuch offence; in which action or ſuit, no protection, eſſoin, or wager of law, or more than one imparlance ſhall be allowed.

Bad pavements to be repaired.

XXIV. And it is hereby further enacted, that, from and after the paſſing of this act, if any two houſekeepers within the ſaid city and liberties ſhall make complaint, in writing, under their hands, to the ſaid commiſſioners, of any defect or want of repair in any of the pavements of any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, either before or after the ſame ſhall have been new-paved or repaired by virtue of this act; then, and in every ſuch caſe, the ſaid commiſſioners ſhall forthwith cauſe the pavement ſo complained of to be inſpected by their ſurveyor; and if the ſame ſhall, by him, be found defective, and ſo reported to be to the ſaid commiſſioners, unleſs ſuch defect ſhall appear to ariſe from a defect in the water-pipes under ſuch pavement, they the ſaid commiſſioners ſhall forthwith give orders to their contractor or contractors, pavior or paviors, to repair the ſame; and if the contractor or pavior of the ſaid commiſſioners, to whom ſuch order ſhall be given, ſhall not, within four days next after receipt thereof, repair the ſaid defective pavement; then, and in every ſuch caſe, the ſaid contractor or pavior, ſhall forfeit and pay the ſum of twenty ſhillings for every day that the ſaid defective pavement ſhall remain unrepaired, after the expiration of the ſaid four days.

Pavement, when the water-pipes are broken, how to be taken up.

XXV. And it is hereby further enacted, that when, and ſo often as any pipe or pipes, belonging to any of the water companies, who furniſh any part of the ſaid city and liberties with water, and which now lie, or ſhall hereafter be laid under ground, in any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, ſhall happen to break, burſt, or decay, ſo as to require reparation, the ſurveyor of the ſaid commiſſioners, for the time being, or ſuch other perſon or perſons as the ſaid commiſſioners ſhall appoint for that purpoſe, ſhall forthwith give, or cauſe to be given, notice thereof in writing, to the pavior of the water company to whom he apprehends the ſaid pipe or pipes do belong, who is hereby required to take up the pavement, and open the ground at or near the place where ſuch reparation ſhall appear to be wanting; and if the ſaid pavior ſhall, upon taking up ſuch pavement, and opening ſuch ground, diſcover that the pipe or pipes ſo broken, burſt, or decayed, does not or do not belong to the water company, whoſe pavior he is; then, and in every ſuch caſe, he ſhall forthwith give, or cauſe to be given, notice thereof in writing, to the pavior of the company to whom the ſaid pipe or pipes ſhall appear to belong, in which caſe, ſuch laſt-mentioned pavior is hereby required, upon demand, to make ſatisfaction for the taking

taking up ſuch pavement, and opening ſuch ground, to the pavior giving notice as aforeſaid; and the pavior of ſuch water company, to whom the ſaid pipe or pipes ſhall belong, is hereby required to cauſe or procure the ſaid pipe or pipes to be repaired, and afterwards to fill up the ſaid ground, and ram down the ſame, within two days next after ſuch notice to him given; and as ſoon as ſuch pipe ſhall have been ſo repaired, and the ground ſo filled up and rammed down, he ſhall give, or cauſe to be given, notice thereof, in writing, to the pavior or contractor, for the time being, of the ſaid commiſſioners: and if the pavior of any of the ſaid water companies to or for whom ſuch notice ſhall be given, or left at his laſt place of abode, ſhall, by the ſpace of two days next after the giving or leaving ſuch notice as aforeſaid, refuſe or neglect to take up ſuch pavement, and open ſuch ground; or, if upon diſcovering that the pipe or pipes ſo broken, burſt, or decayed, doth not, or do not belong to the company whoſe pavior he is, ſhall refuſe or neglect to give immediate notice thereof in writing to the pavior of the company to whom the ſaid pipe or pipes doth or do belong; or if the pavior of the water company to whom the ſaid pipe or pipes ſhall belong, ſhall, by the ſpace of two days next after ſuch notice given to him, or left at his laſt place of abode, refuſe or neglect to cauſe or procure ſuch pipe or pipes to be amended and repaired, or afterwards to fill up the ground ſo taken up, or to give ſuch immediate notice of his having ſo done, to the pavior or contractor of the ſaid commiſſioners, for the time being; then, and in every ſuch caſe, the perſon or perſons ſo reſpectively refuſing or neglecting, ſhall, for every ſuch offence, ſeverally forfeit and pay the ſum of five pounds; and if any pipe or pipes, not belonging to any of the water companies, ſhall happen to break, burſt, or decay, as aforeſaid, in any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places; then, and in every ſuch caſe, the reſpective owner or owners thereof ſhall forthwith cauſe the ground over the ſame to be opened, and ſuch pipe or pipes to be repaired, and notice thereof in writing to be given to the clerk for the time being of the ſaid commiſſioners, or, in caſe of refuſal or neglect ſo to do, ſhall, for every ſuch offence, forfeit and pay the ſum of five pounds; and if any pavement ſhall be broken or taken up, for the purpoſe of making, repairing, or altering any vault or drain, or for any other purpoſe whatſoever; then, and in every ſuch caſe, the perſon or perſons ſo breaking or taking up the ſaid pavement, or cauſing the ſame to be ſo broken or taken up, ſhall, as ſoon as the nature of the work will permit, cauſe the ground to be filled up, and notice thereof in writing to be given to the clerk, for the time being, of the ſaid commiſſioners, or, in caſe of refuſal or neglect ſo to do, ſhall, for every ſuch offence, forfeit and pay the ſum of forty ſhillings; and the ſaid clerk of the ſaid commiſſioners ſhall forthwith, upon every ſuch notice as aforeſaid given to him, or left at the office of the ſaid commiſſioners, at the *Guildhall* of the ſaid city, tranſmit ſuch notice, or cauſe the ſame

to

to be tranſmitted to the pavior or contractor of the ſaid commiſſioners for the time being; and if the ſaid clerk ſhall refuſe or neglect, by the ſpace of two days next after any ſuch notice as aforeſaid given to him, or left at his laſt place of abode, to tranſmit ſuch notice, or cauſe ſuch notice to be tranſmitted to the ſaid pavior or contractor for the time being of the ſaid commiſſioners, or if ſuch pavior or contractor, to whom any ſuch notice as aforeſaid ſhall be ſo tranſmitted, ſhall, by the ſpace of two days next after the tranſmitting of ſuch notice to him as aforeſaid, refuſe or neglect to relay and repair the pavement ſo broken up; then, and in every ſuch caſe, the perſon ſo refuſing or neglecting ſhall forfeit and pay the ſum of twenty ſhillings for every day ſuch pavement ſhall continue unrelayed or unrepaired, after the expiration of the ſaid two days.

Proviſo.

XXVI. Provided always, That if it ſhall happen that, at any time, there ſhall be no regular or fixed appointment of a pavior of any of the water companies, in that caſe ſuch notice as aforeſaid ſhall be delivered to, or left at the office of the clerk or ſecretary of ſuch company reſpectively; who ſhall, in every ſuch caſe, be ſubſtituted in the room of ſuch pavior, to all the intents and purpoſes aforeſaid.

Paviors of the water companies to give notice of their names, &c.

XXVII. And it is hereby further enacted, That the ſeveral and reſpective paviors now employed, or hereafter to be employed by the ſaid water companies reſpectively, within the ſaid city or liberties thereof, ſhall, within the ſpace of thirty days next after the paſſing of this act, or within three days next after they ſhall be reſpectively appointed paviors to ſuch company or companies, give notice in writing to the clerk for the time being of the ſaid commiſſioners, of their reſpective names and places of abode, and of the names of the reſpective company whoſe paviors they are, and of the reſpective diſtrict to which they are appointed; and, in like manner, the clerk for the time being of the ſaid commiſſioners ſhall, within the reſpective times aforeſaid, give notice to the reſpective paviors of the ſaid ſeveral water companies, of the names and places of abode of the pavior or paviors, contractor or contractors, for the time being, of the ſaid commiſſioners; and if any of the ſaid paviors, or the clerk of the ſaid commiſſioners for the time being, ſhall neglect to give ſuch notice within the reſpective times aforeſaid, each of them ſhall, for every ſuch offence, ſeverally forfeit and pay the ſum of twenty ſhillings.

Water companies to pay the expence of new laying pavement, when the pipes are broken, &c.

XXVIII. Provided always, and it is hereby further enacted and declared, That the charges and expences of relaying the pavement which ſhall be broken or taken up, for the purpoſes of repairing or amending any ſuch pipe or pipes, ſhall be reimburſed and paid to the ſaid commiſſioners, or to ſuch perſon as they ſhall appoint to receive the ſame, by the clerk or treaſurer for the time being, of the reſpective water companies, to whom ſuch pipe or pipes ſhall belong; or if the ſame ſhall not belong to any of the ſaid water companies, then, by the reſpective owner or owners thereof, and the charges and expences of relaying

laying the pavement which ſhall be broken or taken up for the purpoſes of repairing, cleanſing, or emptying any ſewer, publick drain, or vault, or of making any new or additional grates, or of repairing and altering any old grates belonging to ſuch ſewer, publick drain, or vault, ſhall be defrayed and paid by and out of the rates to be raiſed under this act, for the purpoſes of repairing and cleanſing the ſaid ſewers, publick drains, and vaults: and if ſuch clerk or treaſurer to any of the ſaid water companies, or the reſpective owner or owners of ſuch pipe or pipes, liable to reimburſe and pay ſuch charges and expences, ſhall refuſe or neglect to pay the ſame within ten days next after demand thereof in writing, ſigned by the clerk of the ſaid commiſſioners, and left at their reſpective dwelling-houſes, or laſt places of abode, together with a bill to be annexed to ſuch demand, containing an account of ſuch charges and expences; then, and in every ſuch caſe, the money ſo expended ſhall and may be recovered by the ſaid commiſſioners, of and from the perſon or perſons ſo liable thereto, by action or actions of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, in the name of the mayor and commonalty, and citizens of the ſaid city of *London*, to be commenced within three calendar months next after ſuch demand reſpectively; in which action or actions, ſuit or ſuits reſpectively, no eſſoin, protection, or wager of law, or more than one imparlance ſhall be allowed.

Expence of alteration of the pipes to be defrayed out of the monies of this act.

XXIX. Provided nevertheleſs, and it is hereby further enacted, That if at any time it ſhall be found neceſſary, for the purpoſes of making, enlarging, widening, deepening, raiſing, altering, repairing, or removing any ſewer or drain, within the ſaid city or liberties, or of new-paving, or altering the pavement of any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, to raiſe, ſink, or any otherwiſe alter the poſition of any of the pipes or plugs laid down or placed by any of the ſaid water companies, or by any other perſon or perſons whatſoever, the charges attending the ſame ſhall be paid out of the monies ariſing, or to ariſe by virtue of this act, for the purpoſes of paving, cleanſing, and lighting the ſaid city and liberties, and making, enlarging, widening, deepening, altering, and removing the ſewers, publick drains, and vaults, within the ſame.

For procuring water in times of fire.

Names of the turncocks to be delivered in, under forfeiture of 40s.

XXX. And, for the more eaſily obtaining of water, in caſes of fire, it is hereby further enacted, That the ſeveral water companies, who ſhall ſupply any of the inhabitants of the ſaid city with water, ſhall, from time to time, within the ſpace of fourteen days after the paſſing of this act, or within ſeven days after the appointment of any turncock or turncocks, give notice in writing to the ſaid commiſſioners, of the names and places of abode of their reſpective turncocks, diſtinguiſhing the diſtricts to which they reſpectively belong; and if any of the ſaid companies ſhall neglect to give ſuch notice within the times aforeſaid, they ſhall, for every ſuch neglect, forfeit and pay the ſum of forty

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ty ſhillings; and the ſaid commiſſioners ſhall, and they are hereby required, yearly, to cauſe to be printed and diſtributed through every ward within the ſaid city and liberties, to and amongſt the ſeveral houſeholders within the ſame, a liſt of the names and places of abode of the ſeveral turncocks of the diſtrict or diſtricts within which every ſuch ward reſpectively ſhall lie.

The ſtreets to be watered.

XXXI. And it is hereby further enacted, That the ſaid commiſſioners ſhall have full power and authority to cauſe the ſaid ſtreets to be watered as often as they ſhall think fit, and alſo to cauſe any well or wells to be dug and ſunk in ſuch places as they ſhall think proper; and alſo any pump or pumps to be erected in or near ſuch places, and alſo any pumps now ſtanding for the purpoſe of watering the ſaid ſtreets, or for any other purpoſe, to be removed or altered, and to defray the expences thereof out of the monies to be raiſed by virtue of this act, for the purpoſes of paving, cleanſing, and lighting the ſaid city and liberties, and making, enlarging, widening, deepening, altering, and removing the ſewers, publick drains, and vaults, within the ſame.

Duſt holes, &c. how to be made.

XXXII. And, for the more effectually cleanſing, and keeping clean the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners to cauſe any number of moveable or fixed duſt boxes, duſt holes, or conveniencies, wherein duſt and aſhes may be depoſited for the ſcavengers or rakers, to be erected and placed in ſuch of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, as they ſhall judge neceſſary; and the occupier or occupiers of houſes or tenements, within the ſaid city and liberties, are hereby required, daily and every day, to cauſe all their duſt and aſhes to be depoſited in the ſaid duſt boxes, duſt holes, or other conveniencies, where any ſuch ſhall be; or in default thereof, to keep all ſuch duſt and aſhes in their reſpective houſes or tenements, or the appurtenances thereof, until the ſame ſhall be removed and carried away, by the reſpective rakers to be in this behalf appointed: and in caſe any ſuch perſons ſhall depoſit, or cauſe or permit to be depoſited, any aſhes or duſt in any part of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, except in ſome of the ſaid duſt holes, duſt boxes, or other conveniencies, where any ſuch ſhall be, or if any perſon or perſons ſhall lay or depoſit, or cauſe to be laid or depoſited, in the ſaid duſt holes, or duſt boxes, or any of them, any dirt, dung, or filth, other than duſt or aſhes, or ſhall lay or depoſit, or cauſe or permit to be laid or depoſited, any dirt, dung, or filth, in any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, every perſon ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of ten ſhillings.

Foot-ways to be cleanſed.

XXXIII. And it is hereby further enacted, That every occupier of any houſe or tenement within the ſaid city and liberties, and (in reſpect of houſes lett to inmates) every houſe owner ſhall, once in every day, before the hour of ten of the

clock in the forenoon, ſcrape, ſweep, and cleanſe the foot-way all along the front of their reſpective houſes or tenements, or cauſe the ſame to be ſcraped, ſwept, and cleanſed; and in default thereof ſhall, for every ſuch offence, forfeit and pay the ſum of five ſhillings.

Streets, &c. how to be lighted.

XXXIV. And, for the better lighting the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, be it hereby further enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners, from time to time, to cauſe ſuch and ſo many lamps to be ſet up in ſuch places within the ſaid city and liberties thereof, and to be placed in ſuch manner, and at ſuch diſtances, as they ſhall judge neceſſary; and the ſaid commiſſioners ſhall order and direct at what time the lights within the ſame ſhall be lighted, and how long they ſhall continue lighted; and ſhall, from time to time, give ſuch other orders and directions in the premiſes, as they ſhall think needful for the well and ſufficient lighting the ſaid city and liberties thereof.

Penalty on perſons damaging lamps.

XXXV. And it is hereby further enacted, That if any perſon or perſons ſhall wilfully take away, break, or throw down, or damage any lamp that now is or hereafter ſhall be ſet up for lighting any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, or wilfully extinguiſh the light or lights within the ſame, or damage the irons or other furniture thereof, it ſhall and may be lawful to and for any perſon or perſons whatſoever who ſhall ſee ſuch offence committed, to ſeize, as alſo for any other perſon or perſons to aſſiſt in ſeizing the offender or offenders; and, by authority of this act, and without any other warrant, to convey him, her, or them, or to deliver him, her, or them to the cuſtody of a peace officer, in order to be ſecured and conveyed before ſome juſtice of the peace of the ſaid city; and ſuch juſtice ſhall proceed to examine upon oath any credible witneſs or witneſſes who ſhall appear or be produced to give information touching ſuch offence (which oath the ſaid juſtice is hereby authoriſed and required to adminiſter); and if the party or parties accuſed ſhall be convicted of ſuch offence, either by his, her, or their own confeſſion, or upon ſuch oath as aforeſaid, he, ſhe, or they ſo convicted, ſhall forfeit and pay the ſum of twenty ſhillings for each ſuch lamp ſo broken, thrown down, or damaged, or for every light ſo extinguiſhed as aforeſaid; and, moreover, ſhall make full ſatisfaction to the ſaid commiſſioners, or to ſuch perſon as they ſhall appoint to receive the ſame, for the damage ſo by him, her, or them done, as aforeſaid: and in caſe ſuch offender or offenders ſhall not, on conviction, pay ſuch forfeiture, and make ſuch ſatisfaction as aforeſaid, ſuch juſtice is hereby required to commit him, her, or them to the *bridewell* of the ſaid city, there to be kept to hard labour for any ſpace of time not exceeding one calendar month; and ſuch offender or offenders ſhall not be diſcharged before the expiration of the time for which he, ſhe, or they ſhall be ſo committed, unleſs ſuch forfeiture and ſatisfaction ſhall be ſooner paid and given.

XXXVI. And

Perſons careleſsly or accidentally breaking or damaging lamps, to make ſatisfaction.

XXXVI. And it is hereby further enacted, That in caſe any perſon or perſons ſhall careleſsly or accidentally break, throw down, or damage, any of the ſaid lamps ſo ſet up, or hereafter to be ſet up as aforeſaid, or the irons or other furniture thereof, and ſhall not immediately upon demand, make ſatisfaction for the damage done thereto; then, and in every ſuch caſe, it ſhall and may be lawful to and for any one juſtice of the peace of the ſaid city, upon complaint to him made, by one or more credible perſon or perſons, upon oath, (which oath ſuch juſtice is hereby impowered and required to adminiſter) to ſummon before him the party or parties who ſhall be complained of for doing ſuch damage; and, upon hearing the allegations and proofs upon oath, touching the ſame, or upon the nonappearance of the party or parties ſo complained of, and ſummoned, to award ſuch ſum or ſums of money, by way of ſatisfaction for ſuch damage, as ſuch juſtice ſhall think reaſonable; and in caſe of refuſal or neglect of the ſaid party or parties to pay the ſum or ſums of money ſo awarded within three days next after demand thereof, to cauſe the ſame to be levied by diſtreſs and ſale of his, her, or their goods or chattels, the ſurplus (if any) ariſing by ſuch diſtreſs and ſale to be paid to him, her, or them.

Lamps how to be placed.

XXXVII. And be it further enacted, That all lamps which are or ſhall be put up in any of the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places, by any perſon or perſons, at his or their own private expence, ſhall, from and after the paſſing of this act, be placed in ſuch manner, as the ſaid commiſſioners, appointed to put this act into execution, ſhall direct.

Property of the ſewers and pavements, to be veſted in the mayor, &c.

XXXVIII. And it is hereby further enacted by the authority aforeſaid, That the property of the ſewers, and publick drains and vaults, and of the pavements, which, at the time of paſſing of this act, or at any time or times hereafter, ſhall be within the ſaid city and liberties, and all materials and things uſed, or to be uſed, in, or about the making or repairing thereof, ſhall be, and the ſame are hereby veſted in the ſaid mayor and commonalty, and citizens of the ſaid city; and the ſaid commiſſioners are hereby authoriſed and impowered to bring, or cauſe to be brought, any action or actions, in the name of the ſaid mayor and commonalty, and citizens, or to prefer, or order the prefering of indictments againſt any perſon or perſons who ſhall ſteal, take, or carry away, any, or any part of ſuch materials or things; and if any perſon or perſons ſhall wilfully or maliciouſly deſtroy, or otherwiſe damage or ſpoil, any of the ſaid materials or things, or any of the works done in purſuance of this act, or any part or parts thereof, every perſon or perſons ſo offending therein, and being thereof convicted, by the oath or oaths of one or more credible witneſs or witneſſes, before any juſtice of the peace, which oath or oaths ſuch juſtice is hereby required to adminiſter, ſhall, for every ſuch offence, forfeit and pay the ſum of twenty ſhillings for the firſt time of offending, and the ſum of forty ſhillings for the ſecond, and the ſum of

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five pounds for every other time of offending, together with all coſts, charges, and expences, in reſpect of ſuch damage or ſpoil as the ſaid commiſſioners ſhall be put unto; ſuch coſts, charges, and expences, to be recovered in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint, or information, in the name of the principal clerk to the ſaid commiſſioners for the time being, in which action or ſuit no protection, eſſoin, or wager of law, or more than one imparlance, ſhall be allowed.

Private drains to be made,

XXXIX. And be it further enacted, That no perſon or perſons ſhall, without the leave or licence of the ſaid commiſſioners, make or branch any drain or drains into any of the ſaid publick ſewers, drains, or vaults, made, or to be made, by virtue of this act, upon pain that every perſon ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of twenty pounds; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, in the name of the principal clerk to the ſaid commiſſioners for the time being, in which action or ſuit no protection, eſſoin, or wager of law, or more than one imparlance, ſhall be allowed.

and cleanſed.

XL. And be it further enacted, That all private drains which now are, or by permiſſion of the ſaid commiſſioners ſhall hereafter be made, within any of the publick ſtreets or paſſages within the ſaid city or liberties, and which do or ſhall iſſue into any of the publick ſewers, drains, or vaults, ſhall be repaired and cleanſed under the inſpection and direction of the ſurveyor, or other proper officer of the ſaid commiſſioners, at the coſts and charges of the owner or owners, occupier or occupiers, of the lands or tenements to which the ſaid private drains do or ſhall reſpectively belong.

Rates for ſewers and pavements.

XLI. And be it further enacted, That for defraying the expence of paving, cleanſing, and lighting the ſaid ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, and preventing annoyances therein, and of making, enlarging, widening, deepening, altering and removing, all or any the common ſewers, publick drains. and vaults, within the ſaid city and liberties, one or more rate or rates, aſſeſſment or aſſeſſments, ſhall, at ſuch time or times as the ſaid commiſſioners ſhall think fit to order and direct, by writing under their hands and ſeals, or the hands and ſeals of any ſeven or more of them, be made, laid, and aſſeſſed in the ſeveral wards of the ſaid city, by the aldermen or their deputies reſpectively, and the major part of the common councilmen of each ward, upon all and every perſon and perſons, who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy, any land, houſe, ſhop, warehouſe, cellar, vault, or other tenement or hereditament within the ſaid ſeveral wards, and who, by the laws now in being, are, or ſhall be liable to be rated towards the relief of the poor, in the reſpective pariſhes where he, ſhe, or they ſhall reſpectively live or reſide, for raiſing ſuch competent ſum and ſums of money, as the ſaid commiſſioners ſhall, from time to time, judge needful and direct, ſo as

ſuch

ſuch rates or aſſeſſments do not in any one year exceed, in the whole, the ſum of one ſhilling and ſixpence in the pound, of the yearly rents of ſuch of the ſaid lands, houſes, ſhops, warehouſes, cellars, vaults, or other tenements or hereditaments reſpectively, as ſhall be ſituate in any ſtreet, lane, ſquare, yard, court, alley, paſſage, or place, actually begun to be new-paved by virtue and in purſuance of this act, or of any former act of parliament, and one ſhilling in the pound of the yearly rents of ſuch of the lands, houſes, ſhops, warehouſes, cellars, vaults, tenements, or hereditaments reſpectively, as ſhall not be ſo ſituate; ſuch rates reſpectively to be from time to time aſcertained by the rates at which ſuch reſpective lands, houſes, ſhops, warehouſes, cellars, vaults, or other tenements or hereditaments ſhall be, from time to time, aſſeſſed towards the land tax.

Major part of common council to compound for rates on houſes, &c.

XLII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the major part of the common council of each reſpective ward, from time to time to compound with the owner or owners, landlord or landlords, of any houſe or houſes within the ſaid ſtreets and places to be rated as aforeſaid, the annual rent or value whereof ſhall be under ten pounds, for the rate or aſſeſſment by this act authoriſed to be laid upon ſuch houſe or houſes, ſo as in ſuch compoſition there be not remitted to any ſuch landlord or landlords, owner or owners reſpectively, more than one half of the rate to be laid upon ſuch houſe or houſes reſpectively.

Leſſees of markets to pay the rates.

XLIII. Provided alſo, *and whereas the farmers or leſſees of the publick markets, within the ſaid city and liberties, were, by their leaſes thereof, or otherwiſe, bound and liable to pave, cleanſe, and light the ſaid markets; and whereas the expence of paving, cleanſing, and lighting the ſaid markets, greatly exceeds the rate of one ſhilling and ſixpence in the pound of the reſpective rents at which the ſaid markets ſtand rated towards the land tax*; be it further enacted, That the ſaid farmers or leſſees, their executors, adminiſtrators, or aſſigns, ſhall from time to time, upon demand of the ſaid commiſſioners, or their principal clerk for the time being, pay into the chamber of *London* all ſuch ſum or ſums of money as the ſaid commiſſioners ſhall actually expend in or about the paving, cleanſing, and lighting, the ſaid markets reſpectively; which ſaid ſum or ſums of money ſhall or may from time to time, in caſe of refuſal or neglect to pay the ſame, be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or within the ſaid city, in the name of the ſaid principal clerk for the time being, anything herein before contained to the contrary thereof in anywiſe notwithſtanding.

The farmers and leſſees of markets, to be compounded with.

XLIV. Provided nevertheleſs, That it ſhall and may be lawful to and for the ſaid commiſſioners, from time to time, to compound and agree with the farmers or leſſees of the ſaid markets for a certain ſum of money, in lieu and ſtead of the ſums to be rated and aſſeſſed by virtue of this act, the account of which compoſition ſhall be entered in a book or books to be kept for that purpoſe.

XLV. And

How empty houſes ſhall be aſſeſſed.

XLV. And it is hereby further enacted, That if it ſhall happen that any of the lands, houſes, ſhops, warehouſes, cellars, vaults, or other tenements, within the ſaid city and liberties, ſhall, at the time of making any of the ſaid rates or aſſeſſments, be empty, untenanted, or unoccupied; then, and in every ſuch caſe, it ſhall and may be lawful to and for the alderman of the ward where ſuch premiſes ſhall lie, or his deputy, with the major part of the common councilmen of the ſaid ward, to rate and aſſeſs the ſaid premiſes, at the times the ſaid commiſſioners ſhall direct as aforeſaid; and in ſuch caſe, as well as in caſe the ſaid premiſes ſhall, after the making ſuch rate or rates, aſſeſſment or aſſeſſments, become empty, untenanted, or unoccupied, one half of every ſuch rate or aſſeſſment ſhall be charged on ſuch premiſes reſpectively, and be paid by the firſt tenant or occupier thereof, who ſhall and may, and is hereby authoriſed to deduct and detain the ſame out of his or her rent, and the landlord, or owner and owners of ſuch premiſes, is and are hereby required to allow ſuch deduction and payment, upon the receipt of the reſidue of his, her, or their reſpective rents, and the ſaid tenant or occupier ſhall be, and is hereby acquitted and diſcharged of and for ſo much of his or her rent, as the rate or aſſeſſment ſo paid by him or her ſhall amount unto.

Houſes let out in lodgings, how to be aſſeſſed.

XLVI. *And whereas many houſes in ſeveral of the wards of the ſaid city are, by the ſeveral landlords or owners thereof, let out to poor tenants, or in lodgings or tenements to divers tenants, whereby it will be difficult to rate or aſſeſs the ſaid tenants, in reſpect of ſuch houſes, or to recover ſuch rates and aſſeſſments when made*, for remedy whereof, be it enacted, That from and after the paſſing of this act, it ſhall and may be lawful to and for the alderman of each reſpective ward, or his deputy, with the major part of the common councilmen of the ſaid ward, at the times the ſaid commiſſioners ſhall direct as aforeſaid, to rate and aſſeſs, in every ſuch rate or aſſeſſment, the owner or owners of all ſuch houſes, or tenements as ſhall be ſo let for a leſs rent than ten pounds *per annum*, or occupied by two or more tenants, which rate or aſſeſſment ſhall be paid by the occupier or occupiers of any ſuch houſes or tenements, or of any part or parts thereof, and the occupier or occupiers of any ſuch houſes or tenements, or of any part or parts thereof, and the occupier or occupiers of whom the ſame ſhall be demanded, is and are hereby authoriſed and required to pay ſuch ſum and ſums of money as ſhall be ſo rated or aſſeſſed upon the owner or owners thereof, and to deduct the ſame out of his, her, or their reſpective rents, and the landlord and landlords, or owner or owners of ſuch houſes or tenements, is and are hereby required to allow ſuch deductions and payments, upon the receipt of the reſidue of his, her, or their rents; and every ſuch occupier paying ſuch aſſeſſment or aſſeſſments, ſhall be acquitted and diſcharged for ſo much of his, her, or their rent or rents, as the ſaid aſſeſſment or aſſeſſments, ſo paid by him or her ſhall amount unto, as if the ſame had been actually paid to the perſon or perſons to whom his her or their rent ſhall

be due and payable; and in default of payment of the ſaid rate or rates, aſſeſſment or aſſeſſments, the ſame ſhall be and remain a charge upon the ſaid premiſes, and ſhall and may be recovered of and from the landlord or landlords, owner or owners thereof reſpectively, by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or within the ſaid city, to be commenced and proſecuted by the ſaid commiſſioners, in the name of their principal clerk for the time being; in which action or ſuit, no protection, eſſoin, or wager of law, or more than one imparlance, ſhall be allowed.

Owners of large warehouſes, &c. may be relieved by commiſſioners.

XLVII. *And whereas ſeveral manufactures, trades, occupations, and callings, neceſſarily take up and require great room, by reaſon whereof the perſons concerned therein are obliged to pay large rents, and it may be a great and intolerable hardſhip upon ſuch perſons to be rated to the full extent of their reſpective rents, towards the purpoſes of this act; and whereas it may be reaſonable to excuſe ſome perſons from the payment of the aforeſaid rates and aſſeſſments, in the whole, or in part, on account of their poverty*; for relief therefore, in ſuch caſes, it is hereby further enacted and declared, That in any of the caſes aforeſaid, any perſon or perſons may apply to the ſaid commiſſioners by petition, in writing, ſetting forth the circumſtances of his, her, or their caſe, giving notice to the alderman of the ward wherein ſuch rate or aſſeſſment ſhall have been made, or his deputy; and ſuch petition ſhall be taken into conſideration by the ſaid commiſſioners, at their next publick meeting, of which the alderman of the ward, or his deputy, ſhall have ſpecial notice; and if it ſhall then appear to the ſaid commiſſioners, upon hearing the ſaid petitioner or petitioners, that the ſaid petitioner or petitioners is or are intitled to relief, it ſhall and may be lawful to and for the ſaid commiſſioners, and they are hereby authoriſed and impowered to award the ſaid petitioner or petitioners ſuch relief as they the ſaid commiſſioners ſhall think juſt and reaſonable.

XLVIII. Provided always, That if the alderman, or his deputy, or the major part of the common councilmen of ſuch ward, ſhall think ſuch award unjuſt or unreaſonable, or if the party or parties concerned ſhall think him, or herſelf, or themſelves aggrieved by ſuch award, it ſhall and may be lawful to and for any of them to appeal from ſuch award to the court of mayor and aldermen of the ſaid city, who ſhall finally determine whether the ſaid petitioner or petitioners is or are intitled to any, and what relief in the premiſes.

Wharfs, &c. how to be aſſeſſed.

XLIX. Provided always, and it is hereby further enacted, That no perſon or perſons ſhall, in reſpect of any wharf, or of any warehouſe, vault, or cellar upon any wharf, not fronting any ſtreet or lane, be rated or aſſeſſed, or be liable to pay more than two-thirds of the rates or aſſeſſments herein before directed to be rated and aſſeſſed on lands, houſes, ſhops, warehouſes, cellars, vaults, and other tenements, within the ſeveral wards of the ſaid city of *London*; but the alderman of the ward where any ground, which ſhall be claimed to be a wharf, ſhall lie, or

his deputy, and the common councilmen of ſuch ward, or the major part of them, ſhall, and they are hereby directed and impowered to conform to and purſue ſuch determination as they ſhall reſpectively receive from the ſaid commiſſioners, and which the ſaid commiſſioners are hereby impowered and required to ſignify by their principal clerk for the time being, in writing, as to what part of the ſaid ground ought to be deemed a wharf, within the intent and meaning hereof, and ſhall rate and aſſeſs the ſame accordingly; any thing herein before contained to the contrary thereof in any-wiſe notwithſtanding.

Books relating to the poors rates, to be examined.

L. *And, in order to enable the ſeveral aldermen of the ſaid city, or their reſpective deputies, and alſo the ſaid commiſſioners, to form proper judgement of any rate or rates made, or to be made, in purſuance of this act, and to grant proper relief,* be it further enacted, That the ſaid aldermen, or their reſpective deputies, and alſo the ſaid commiſſioners, ſhall and may, and they are hereby authoriſed and impowered, to cauſe any of the books of the aſſeſſment of the land tax, within the ſaid city or liberties, and alſo any of the books of the aſſeſſments of the rates towards the relief of the poor, within any of the pariſhes within the ſame, to be brought before them, or any of them, and to take copies of ſuch books, or any part thereof, as they or any of them ſhall think fit, without fee or reward; and if any perſon or perſons, in whoſe cuſtody or power any of the ſaid books ſhall be, ſhall refuſe or neglect to attend the ſaid aldermen or their deputies reſpectively, or their ſaid commiſſioners, with ſuch book or books, or to permit them, or any of them, to take copies thereof as aforeſaid; then, and in every ſuch caſe, every perſon who ſhall ſo refuſe or neglect ſhall, for every ſuch offence, forfeit and pay the ſum of forty ſhillings.

Churches and publick buildings, meeting-houſes, and void ſpaces of ground, to be aſſeſſed.

LI. *And, foraſmuch as it is reaſonable, that all publick buildings (hoſpitals excepted) and all dead walls, and void ſpaces of ground, ſhould be rated and aſſeſſed in a due proportion towards the paving, cleanſing, and lighting the ſaid city and the liberties thereof, and the making and altering the publick ſewers, drains, and vaults, within the ſame,* it is hereby further enacted, That it ſhall and may be lawful to and for the alderman of each ward within the ſaid city and libertics, or his deputy, with the major part of the common councilmen of ſuch ward, and they are hereby required, at ſuch time as the rates and aſſeſſments herein before directed to be made by them, by order of the commiſſioners, ſhall, from time to time, be made, to rate and aſſeſs towards the ſaid purpoſes, all pariſh churches, church-yards, chapels, meeting-houſes, and other publick buildings whatſoever, not charged to the land tax, and all void ſpaces of ground, ſituate, lying, and being within their ward, other than, and except the cathedral church of *Saint Paul* in *London*, and the church-yards and ground within the iron rails encompaſſing the ſaid cathedral church, at ſuch rate as the commiſſioners, by writing under their hands and ſeals, or the hands and ſeals of any ſeven or more of them, ſhall order and direct, for every ſquare yard of

ſuch churches, church-yards, chapels, meeting-houſes, publick buildings, and void ſpaces of ground, not exceeding the rate of four-pence *per* ſquare yard; and alſo to rate and aſſeſs all dead walls within their wards, towards the purpoſes aforeſaid, at ſuch rate as the ſaid commiſſioners ſhall order and direct, in manner aforeſaid, for every yard running meaſure of ſuch dead walls, not exceeding the rate of ſixpence *per* yard; ſuch rate or rates, aſſeſſment or aſſeſſments, ſo to be, from time to time, made upon any pariſh church, church-yard, or chapel, to be paid by their reſpective church or chapel wardens; and the rate or rates, aſſeſſment or aſſeſſments, ſo to be made, from time to time, upon any meeting-houſe within the ſaid city or liberties, to be paid by the miniſter or deacons, or other perſon uſually officiating therein: and if ſuch church or chapel wardens, miniſter, deacons, or other perſon, ſhall refuſe or neglect to pay the ſame upon demand; then, and in every ſuch caſe, ſuch rate or rates, aſſeſſment or aſſeſſments, ſhall and may be recovered of and from the perſon or perſons ſo required to pay the ſame, by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or within the ſaid city, to be commenced and proſecuted in the name of the principal clerk to the ſaid commiſſioners for the time being, in which action or ſuit no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed: and in default of payment of ſuch rate or rates, aſſeſſment or aſſeſſments, by the miniſter or deacons of ſuch meeting-houſe, or the perſon or perſons officiating therein, the ſame ſhall be and remain a charge upon ſuch meeting-houſe, and ſhall and may be recovered by ſuch action, bill, plaint, or information, as aforeſaid, againſt the landlord or landlords, owner or owners thereof; and ſuch rate or rates, aſſeſſment or aſſeſſments, ſo to be from time to time made upon any publick building (not being an hoſpital) or upon any dead wall or void ſpace of ground, ſhall be paid by the reſpective owner or owners, proprietor or proprietors thereof; and in caſe the owner or owners, proprietor or proprietors, of any ſuch void ſpace of ground, ſhall not be known, or cannot be found, then the ſaid rate or rates, aſſeſſment or aſſeſſments, to be thereon made, ſhall be advanced by the chamberlain of the city of *London* for the time being, out of the caſh of the ſaid city in his hands, and the ſaid ground ſhall be and remain a ſecurity to the ſaid chamberlain and his ſucceſſors for repayment of all rates ſo to be by him advanced.

Tenants to hoſpitals to be aſſeſſed.

LII. *Provided always, and whereas ſeveral lands, houſes, ſhops, warehouſes, cellars, vaults, or other tenements or hereditaments, within the ſaid city and liberties, belonging to ſome of the publick hoſpitals thereof, are or may be by law exempted from being aſſeſſed towards the land tax, in reſpect of the rents payable to the ſaid hoſpitals*, be it enacted, That at all times after the paſſing of this act, the tenants or occupiers of all ſuch lands, houſes, ſhops, warehouſes, cellars, vaults, and other tenements and hereditaments, ſhall be aſſeſſed, and pay towards the purpoſes of this act,

act, at such rates respectively, in the same proportion, and to the full extent as other lands, houses, shops, warehouses, cellars, vaults, and other tenements and hereditaments, within the said city and liberties, are or shall be assessed, without any exemption or deduction in respect of the rent or rents which is, are, or shall be payable to the said hospitals, or the governors thereof; any thing herein before contained, or any other law or usage to the contrary thereof in any wise notwithstanding.

The pavements belonging to the cathedral church of Saint Paul to be assessed.

LIII. *And whereas, before the passing of the said act of the eighth year of his present Majesty, the pavement then lying between the fence of the church-yard belonging to the cathedral church of* Saint Paul, *in the said city of* London, *and the channels of the several streets and ways adjoining to and surrounding the said church, contained two thousand two hundred and forty square yards, and the charges and expences of repairing, cleansing, and lighting the same, was then paid out of the interest and yearly produce of the surplus-money of certain duties on coals, granted by divers acts of parliament, and vested in the lord archbishop of* Canterbury, *lord bishop of* London, *and lord mayor of the city of* London *for the time being*; be it hereby further enacted, That it shall and may be lawful to and for the alderman of the ward of *Castlebaynard*, or his deputy, with the major part of the common council of the said ward, and they are hereby required, when, and at such times as the rates and assessments herein before directed to be made shall, from time to time, be made, to rate and assess the said cathedral church towards the paving, cleansing, and lighting the said streets, lanes, squares, yards, courts, alleys, passages, and places, and of making, enlarging, widening, deepening, altering, and removing the common sewers, publick drains, and vaults within the said city and liberties, at such rate as the said alderman, or his deputy, with the major part of the common council of the said ward, shall judge reasonable, not exceeding the rate of one shilling and threepence by the year for every square yard of the said pavement now kept in repair, out of the interest of such trust-monies as aforesaid; and that such rates or assessments so to be, from time to time, made on the said cathedral church as aforesaid, shall be paid by the lord archbishop of *Canterbury*, lord bishop of *London*, and lord mayor of the said city of *London* for the time being, or their treasurer, or other proper officer, out of the interest and produce of the said surplus-monies so vested in them, upon the trusts and for the purposes aforesaid.

The ground, area, or space in the west front of Saint Paul's church, may be laved into the publick street

LIV. *And whereas it would be a great accommodation to the publick, without any diminution of the grandeur or beauty of the said cathedral church of* Saint Paul, *if the ground, area, or space in the west front thereof, now inclosed with an iron rail or fence, or some part thereof, was to be opened or laid into the street*; be it therefore enacted, That it shall and may be lawful to and for the said commissioners under this act to treat and agree with the lord archbishop of *Canterbury*, lord bishop of *London*, and lord mayor of the said city for the time being, trustees for the fabrick of the

ſaid cathedral church, or any two of them, and with the dean and chapter of the ſaid cathedral church for the time being, (who are hereby ſeverally authoriſed and impowered to contract with the ſaid commiſſioners accordingly,) for opening and laying into the ſaid publick ſtreet all or any part of the ſaid ground, area, or ſpace, lying weſtward of the great ſteps leading up to the ſaid church, (except that part encompaſſed with an iron rail, whereon the ſtatue of the late Queen *Anne* is erected) and the ſaid commiſſioners are hereby authoriſed and impowered, by and out of the monies ariſing from the rates and aſſeſſments to be made by virtue of this act, for paving, lighting, and cleanſing the ſaid city and liberties, to make ſuch compenſation for the ſame to the ſaid truſtees, as ſhall be agreed for; and thereupon to cauſe the ſaid ground, area, or ſpace (except as before excepted) or ſo much thereof as ſhall be ſo agreed for, to be opened and laid into the publick ſtreet, any law, or preſcription to the contrary thereof in any-wiſe notwithſtanding.

Inns of court ſhall be rated.

LV. And be it further enacted, That it ſhall and may be lawful to and for the alderman of *Farringdon Ward Without*, for the time being, or his deputy, with the major part of the common councilmen of the ſaid ward, and they are hereby required, from time to time, to rate and aſſeſs, in every ſuch rate and aſſeſſment as aforeſaid, the ſeveral inns of court and chancery herein after named, in the ſeveral and reſpective ſums herein after mentioned, as a compoſition for the repairs of the pavements which they have reſpectively ſuſtained; that is to ſay, *The Inner Temple*, in the ſum of two pounds two ſhillings *per annum*; *the Middle Temple*, in the ſum of ſix pounds ſix ſhillings *per annum*; *Serjeants Inn* in *Chancery Lane* in the ſum of ten pounds *per annum*; and alſo to rate and aſſeſs the ſeveral inns of chancery herein after named, in the ſeveral and reſpective ſums herein after mentioned; that is to ſay, *Staples Inn*, in the ſum of fourteen pounds *per annum*; *Furnival's Inn*, in the ſum of twenty pounds *per annum*; *Bernard's Inn*, in the ſum of ſix pounds *per annum*; *Clifford's Inn*, in the ſum of two pounds two ſhillings *per annum*; which rates or aſſeſſments, ſhall be paid by the treaſurer, principal, or other proper officer of the ſaid inns of court and inns of chancery reſpectively; and in default of payment may be ſued for and recovered in like manner as the rates and aſſeſſments upon pariſh-churches, church-yards, and chapels, are herein before directed to be levied and recovered.

Streets in building, may be compounded for.

LVI. *And whereas there are and hereafter may be ſeveral new ſtreets and places, which are not paved, part of which are or may be built and in building, and ſmall pieces or parcels of ground in ſeveral of the ſtreets, lanes, ſquares, courts, yards, alleys, paſſages, or places, within the ſaid city and liberties, unbuilt, which are neither paved, cleanſed, or lighted; and whereas it would be a means of greatly forwarding the good purpoſes intended by this act, if builders or others, owners of lands or houſes in ſuch new ſtreets or places, were to pay ſuch ſum or ſums of money towards the new-paving the ſame, as is herein after directed, to the ſaid commiſſioners*; be it there-

therefore enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners to view and inſpect any ſuch ſtreet, lane, ſquare, yard, court, alley, paſſage, or place, which now is, or hereafter may be built upon or building upon; and if, upon ſuch view, they ſhall be of opinion that the ſame, or any part or parts thereof, is, or are fit and proper to be paved, the ſaid commiſſioners, at any meeting after ſuch view, ſhall and may order their ſurveyor or ſurveyors, or other perſon or perſons by them appointed for that purpoſe, to give notice to the owner or owners, proprietor or proprietors, leſſee or leſſees, of any land, ground, houſe, ſhop, warehouſe, coach-houſe, ſtable, cellar, vault, tenement, or hereditament, in any ſuch ſtreet, lane, ſquare, yard, court, alley, paſſage, or place, or leave the ſame at his, her, or their laſt or uſual place of abode, or with his, her, or their known ſervant or ſervants, or if no ſuch owner or owners, proprietor or proprietors, leſſee or leſſees, can be found, then ſuch notice ſhall be ſtuck againſt the ſaid premiſes, or any conſpicuous part thereof, which notice ſhall require ſuch owner or owners, proprietor or proprietors, leſſee or leſſees, to meet ſuch commiſſioners at the time and place therein mentioned, not being leſs than fourteen days from the date of ſuch notice, to compound for the paving thereof, at any ſum not exceeding three ſhillings for every ſquare yard of ſuch pavement, whether carriage-way or foot-way, which compoſition the ſaid commiſſioners, at their publick meeting, are hereby authoriſed to make; and if ſuch owner or owners, proprietor or proprietors, leſſee or leſſees, ſhall not attend, or ſhall not compound or agree with the ſaid commiſſioners as aforeſaid; then it ſhall and may be lawful to and for the ſaid commiſſioners, at their publick meeting, to order the ſame to be paved as ſoon as conveniently can be, and all the charges and expences attending ſuch paving ſhall be paid by the reſpective owner or owners, proprietor or proprietors, leſſee or leſſees, and may be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or within the ſaid city, in the name of the principal clerk to the ſaid commiſſioners for the time being, in which action or ſuit no protection, eſſoin, or wager of law, or more than one imparlance ſhall be allowed.

Not to vacate any agreement between landlord and tenant.

LVII. Provided always, and it is hereby further enacted, That nothing in this act contained ſhall be deemed or taken to make void any contract, covenant, or agreement, between landlord and tenant, touching or concerning any matter or thing to be done or performed in purſuance of this act; and in caſe any diſpute ſhall ariſe concerning ſuch contract, covenant, or agreement, the ſaid court of mayor and aldermen ſhall have power to hear and finally determine the ſame.

Commiſſioners may compound with perſons for breach of contract.

LVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners, from time to time, and at all times hereafter, to compound and agree with any perſon or perſons, againſt whom the ſaid commiſſioners ſhall bring, or

or cauſe to be brought, any action or actions, ſuit or ſuits, for any penalty or forfeiture contained in any contract or contracts, hereafter to be made or entered into in purſuance of this act, on account of any breach or nonperformance of any ſuch contract or contracts, for ſuch ſum or ſums of money as they ſhall think proper, ſo as the ſum ſo compounded and agreed for be not leſs than the injury or damage ſuſtained, by the breach or nonperformance of ſuch contract or contracts; and all coſts, charges, and expences which ſhall be occationed thereby, and ſo as ſuch compoſition doth not extend to remit more than one half of the ſaid penalty or forfeiture.

Perſons refuſing or neglecting to attend after notice, to forfeit 20 s.

LIX. And be it further enacted, That if any perſon or perſons, againſt whom complaint ſhall be made, to any one of the ſaid aldermen, touching any offence or offences to be committed againſt this act, ſhall neglect or refuſe, after three days notice ſerved upon him, her, or them, for that purpoſe, to attend ſuch alderman, at the time and place for which he, ſhe, or they ſhall have notice to attend, every ſuch perſon or perſons ſo offending ſhall, upon the oath of any one or more credible witneſs or witneſſes (which oath any one of the ſaid aldermen is hereby authoriſed and required to adminiſter) forfeit and pay the ſum of twenty ſhillings.

Recovery of rates againſt any perſons who ſhall be liable to pay the ſame, becoming bankrupts.

LX. And be it further enacted, That if any perſon or perſons, who ſhall be liable to pay any rate or aſſeſſment to be made by virtue or in purſuance of this act, ſhall become a bankrupt or bankrupts, before he, ſhe, or they ſhall have fully paid and ſatisfied all the money then due and owing for ſuch rates and aſſeſſments, then, and in every ſuch caſe, the aſſignee or aſſignees of his, her, or their eſtate and effects, or other perſon or perſons poſſeſſing the ſame, ſhall, out of ſuch eſtate and effects, after paying to the petitioning creditor or creditors, his, her, or their coſts of ſuing out and proſecuting the commiſſion againſt any ſuch bankrupt or bankrupts, in the next place, pay unto the chamberlain of the ſaid city of *London*, for the time being, all ſuch ſums of money as were due for ſuch rates and aſſeſſments at the time of the ſuing out any ſuch commiſſion againſt him, her, or them reſpectively, or ſo much thereof as the ſaid eſtate and effects will extend to pay; and the receipt of the ſaid chamberlain ſhall be a good diſcharge for the ſaid money, and every aſſignee and aſſignees, or other perſon as aforeſaid, may, to any action or ſuit commenced or brought againſt him, her, or them, plead or give in evidence the payment of the ſame, and ſhall be allowed ſuch payment out of the eſtate or effects of ſuch bankrupt or bankrupts, prior to any other debt or demand whatſoever, (except as before is excepted;) and in caſe of nonpayment of the ſame, by the ſpace of one calendar month after the ſame ſhall be demanded, it ſhall and may be lawful to and for the ſaid commiſſioners, to commence and proſecute one or more action or actions, ſuit or ſuits, for the ſame, in the name of the principal clerk of the ſaid commiſſioners for the time being, in any of his Majeſty's courts of record

at

at *Weſtminſter*, or within the ſaid city, againſt ſuch aſſignee or aſſignees, or other perſons as aforeſaid.

Duplicates of rates, how to be made.

LXI. And it is hereby further enacted, that the alderman, or his deputy, and the major part of the common councilmen, for the time being, in each ward, within the ſaid city or liberties, are hereby required to ſet down in writing, and ſign two duplicates of the rates and aſſeſſments, which they ſhall, from time to time, make by virtue of this act, for the purpoſes aforeſaid; in which ſhall be expreſſed the names of the collectors, who ſhall be appointed to collect the ſame, one of which duplicates ſhall, within ten days next after the making thereof, be depoſited by the beadle of the ſaid ward, in the office of the chamberlain of the ſaid city of *London*, where the ſame ſhall remain, and every citizen of *London*, liable to be rated by virtue of this act, ſhall and may have free acceſs thereto, at all convenient times, and be permitted to inſpect the ſame without fee or reward; and the perſon or perſons neglecting to depoſit ſuch duplicates, in the manner or within the time aforeſaid, or refuſing to permit ſuch inſpection as aforeſaid, ſhall, for every ſuch offence reſpectively, forfeit and pay the ſum of five pounds.

Collectors, how to be appointed.

LXII. *And to the end that the ſaid ſeveral rates and aſſeſſments may be fully and compleatly raiſed and paid for the purpoſes aforeſaid*, it is hereby further enacted, that it ſhall and may be lawful to and for the alderman, or his deputy, with the major part of the common councilmen of each ward, at the court of wardmote to be holden upon or near the feaſt-day of *Saint Thomas the Apoſtle*, for the choice of ward officers, to return to the ſaid wardmote, the names and places of abode of a competent number of ſubſtantial inhabitants of ſuch ward, of whom, ſo many as the ſaid alderman, or his deputy, and the major part of the ſaid commen councilmen ſhall think fit and direct, not exceeding half the number of perſons ſo returned, ſhall be choſen and appointed at the ſaid wardmote, to be collectors of the ſaid rates and aſſeſſments for one whole year from the ſaid feaſt-day of *Saint Thomas the Apoſtle* to the ſame feaſt-day then next following, and ſo yearly, and from year to year: and the ſaid collectors, for the time being, are hereby authoriſed and required, in the reſpective wards for which they ſhall be ſo choſen collectors, to collect and receive, from time to time, ſuch of the ſaid rates, aſſeſſments, and ſums of money, as ſhall be due and payable by virtue of this act, of and from all perſons liable to pay the ſame; and all perſons, who, by virtue of this act, ſhall be charged therewith, or be liable thereunto, are hereby required to pay ſuch rates or aſſeſſments, unto ſuch reſpective collectors for the time being accordingly; ſuch collectors from time to time, giving receipts for the ſame *gratis*, if thereunto required, and which they are hereby enjoined to do, upon requeſt; and every ſuch collector, who ſhall be ſo choſen, ſhall, at the wardmote at which he ſhall be choſen as aforeſaid, or within the ſpace of twenty days then next enſuing, before the alderman of the ward for which he ſhall be ſo choſen collector, or his deputy, take and

Collectors to take an oath.

and ſubſcribe the following oath, or being one of the people called quakers, make and ſubſcribe the following ſolemn affirmation, for the true and faithful execution of the ſaid office.

The oath.

I A. B. *do ſwear (or ſolemnly affirm) that I will, according to the beſt of my ſkill and knowledge, well and truly perform and execute the office of a collector, within the ward of*
according to the directions and true intent of an act made in the eleventh year of the reign of his majeſty King George *the Third*, for conſolidating, extending, and rendering more effectual, the powers granted by ſeveral acts of parliament, for making, enlarging, amending, and cleanſing the vaults, drains, and ſewers, within the city of *London* and liberties thereof, and for paving, cleanſing, and lighting the ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, and places, and preventing and removing obſtructions and annoyances within the ſame.

which oath, or affirmation, ſhall be adminiſtered without fee or reward, by the alderman of each reſpective ward for the time being, or his deputy: and if any collector, choſen in purſuance of this act, ſhall refuſe or neglect to take the ſaid oath, or (being one of the perſons called quakers) to make the ſaid affirmation, or to take upon himſelf the ſaid office, or after having taken upon himſelf the ſaid office, ſhall refuſe or neglect to ſerve and execute the ſame, according to the true intent and meaning of this act, he ſhall, for every ſuch refuſal or neglect, forfeit and pay the ſum of fifty pounds; and ſhall, nevertheleſs, continue liable to be choſen into the ſaid office again the year following, or at any other time, and ſhall be liable to the like penalty ſo often as he ſhall thereupon refuſe or neglect to take upon him, and duly to execute the ſame.

In caſe of refuſal or neglect to take the office, the alderman, &c. of the ward, &c. may appoint others.

LXIII. And it is hereby further enacted, that when, and as often as any perſon ſhall refuſe or neglect to take upon him the ſaid office, or to execute the ſame, when choſen, or ſhall die, or remove out of the ward, in and for which he ſhall be ſo choſen and appointed, before he has finiſhed his collection, then, and in every or any ſuch caſe, it ſhall and may be lawful to and for the alderman of ſuch ward, for the time being, or his deputy, with the major part of the common councilmen of the ſaid ward, by appointment under their hands and ſeals, to nominate and appoint ſome other fit and proper perſon within ſuch ward to collect the ſaid rates therein, or ſuch ſum or ſums of money, as ſhall remain due or unpaid thereof; and if ſuch other perſon, ſo appointed, ſhall refuſe or neglect to take and ſubſcribe the ſaid oath (or being one of the perſons called quakers) to make the ſaid affirmation, or to ſerve and execute the ſaid office, then, and in every ſuch laſt-mentioned caſe, every perſon ſo refuſing or neglecting ſhall be liable to the like penalty of fifty pounds, as if he had been choſen into the ſaid office, at the ward-mote as aforeſaid.

Perſons not to

LXIV. Provided always, and it is hereby further enacted, that

that nothing in this act contained ſhall extend, or be conſtrued to oblige, any perſon or perſons to ſerve the ſaid office of collector, who, by the laws now in being, is, or are exempted from ſerving any ward office. ſerve who are by law exempted.

LXV. Provided alſo, and it is hereby further enacted, that if the alderman of any ward of the ſaid city, or his deputy, and the major part of the common councilmen of ſuch ward, ſhall, at any time, refuſe or neglect to do and perform all or any of the matters and things, which they are hereby reſpectively directed or impowered to do or perform, within the ſpace of fourteen days next after they ſhall reſpectively be ordered or required to do or perform the ſame by the ſaid commiſſioners, in purſuance of this act; or if any matter or thing ſo directed to be done or performed, ſhall not or cannot legally be done within the ſaid fourteen days, then, and in any ſuch caſe, ſo often as the ſame ſhall happen, it ſhall and may be lawful to and for the ſaid commiſſioners, and they are hereby authoriſed, impowered, and directed, to do and perform all ſuch matters and things, as fully and effectually as the aldermen of the reſpective wards, or their deputies, and the major part of the common council of ſuch wards, might or could do or perform the ſame, any thing herein contained to the contrary thereof in any-wiſe notwithſtanding. On refuſal or neglect of aldermen to do any act, commiſſioners impowered to execute the ſame.

LXVI. Provided alſo, and it is hereby further enacted, that in caſe it ſhall at any time or times hereafter, happen that no collector or ſufficient number of collectors of the rates and aſſeſſments ſhall be choſen and appointed in any ward of this city, in manner herein-before directed, then, and in every ſuch caſe, it ſhall and may be lawful to and for the ſaid commiſſioners, and they are hereby authoriſed, impowered, and directed, to nominate and appoint fit and able perſons, being inhabitants of ſuch ward, to collect and receive the ſaid rates and aſſeſſments; which perſons, to be nominated and appointed by the ſaid commiſſioners, ſhall, and they are hereby impowered and enjoined, to collect and pay the ſame into the ſaid chamber of *London*, and to do and perform all other matters and things, which the collectors nominated and appointed by, or at the wardmote of ſuch ward, are hereby before authoriſed to do or perform, and ſhall be ſubject and liable to the ſame penalties for neglect of duty, as ſuch laſt mentioned collectors are herein before made ſubject or liable to; any thing herein contained to the contrary thereof in any-wiſe notwithſtanding. If no collector appointed, commiſſioners to appoint.

LXVII. And be it further enacted, that if any perſon or perſons ſhall come with any night cart or carts, or begin to empty any bog-houſe or bog-houſes, or to take away any night-ſoil from any houſe or houſes within any of the ſtreets, lanes, ſquares, courts, yards, alleys, paſſages, and places within the ſaid city and liberties, before the hour of eleven of the clock in the night, or ſhall continue to take away ſuch ſoil after the hour of five in the morning; or if any perſon or perſons ſhall put or caſt any ſuch ſoil, or wilfully or negligently permit the ſame to run out of Time for night carts, &c. limited.

of any cart, cub, or pail, or otherwiſe into any of the ſaid ſtreets, lanes, ſquares, courts, yards, alleys, paſſages, or places, then, and in every ſuch caſe, it ſhall and may be lawful to and for any conſtable, beadle, or watchman, (and they, and each and every of them, is hereby required and enjoined ſo to do) and to and for every or any other perſon or perſons whomſoever to apprehend the perſon or perſons ſo offending, and to carry him, her, or them, to one of the compters of the ſaid city, the keepers whereof reſpectively are hereby required to take ſuch offender or offenders into cuſtody, and thereafter, as ſoon as conveniently may be, convey him, her, or them, before one or more of the aldermen of the ſaid city, who, upon oath made of ſuch offence or offences reſpectively (which oath ſuch alderman or aldermen is and are hereby impowered and required to adminiſter) ſhall and may commit ſuch offender or offenders to the *Bridewell* of the ſaid city, for any time not exceeding one month, nor leſs than ten days, there to be kept to hard labour; and the ſaid commiſſioners are hereby authoriſed to order any ſum not exceeding twenty ſhillings, nor leſs than five ſhillings, to be paid out of the ſaid rates to be raiſed by virtue of this act, to the perſon or perſons by whom the ſaid offender or offenders ſhall be ſo detected, apprehended, and conveyed, to one of the ſaid compters.

Penalty on ſugar-bakers and ſoap-boilers throwing lime or clay into the ſtreets.

LXVIII. And be it further enacted, that if any ſugar-baker, ſugar-refiner, ſoap-boiler or ſoap-maker or any other perſon or perſons, ſhall depoſit, or cauſe to be depoſited, any lime or clay uſed in his, her, or their trade, in any of the publick ſtreets, lanes, ſquares, yards, courts, alleys, paſſages, or places within the ſaid city, or liberties thereof, and ſuffer the ſame to remain for any longer time than is neceſſary for the purpoſe of loading or carting away the ſame; or ſhall depoſit, or throw, or permit or ſuffer to be depoſited or thrown, any ſuch lime or clay in or into any of the channels within the ſaid city or liberties; then, and in every ſuch caſe, every ſuch ſugar-baker, ſugar-refiner, ſoap-boiler, ſoap-maker, or other perſon or perſons, ſo offending, ſhall, for the firſt offence, forfeit and pay the ſum of twenty ſhillings; for the ſecond offence, the ſum of forty ſhillings; and for the third, and every other offence, the ſum of five pounds.

Rate for repairing and cleanſing and keeping in repair ſewers and drains.

LXIX. And be it further enacted, that for defraying the expence of repairing and cleanſing the publick ſewers, drains, and vaults, which now are or hereafter ſhall be within the ſaid city and liberties, it ſhall and may be lawful to and for the ſaid commiſſioners, by writing under their hands and ſeals or the hands and ſeals of ſeven or more of them, to make, lay, and aſſeſs one or more rate or rates, aſſeſſment or aſſeſſments, upon all and every perſon and perſons who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy any land, houſe, ſhop, warehouſe, cellar, vault, or other tenements or hereditaments, within the ſaid city or liberties, for raiſing ſuch competent ſum or ſums of money, as the ſaid commiſſioners ſhall, from time to time, think needful;

ſo as ſuch rates or aſſeſſments do not, in any one year, exceed the ſum of four-pence in the pound of the real yearly rack rents of the ſaid lands, houſes, ſhops, warehouſes, cellars, vaults, or other tenements or hereditaments reſpectively: and the ſeveral and reſpective tenant or tenants, occupier or occupiers, of all ſuch lands, houſes, ſhops, warehouſes, cellars, vaults, tenements or hereditaments, who ſhall be rated for the purpoſe laſt above mentioned, are hereby required and authoriſed to pay ſuch ſum and ſums of money as ſhall be rated upon him, her, or them, in reſpect of ſuch lands, houſes, ſhops, warehouſes, cellars, vaults, or other tenements or hereditaments reſpectively, to ſuch perſon or perſons as the ſaid commiſſioners ſhall, from time to time, appoint to collect and receive the ſame, and to deduct the ſame out of his, her, or their rent; and the landlord or landlords, mediate and immediate, according to their reſpective intereſts, are hereby required to allow ſuch deductions and payments, upon receipt of the reſidue of their rents.

Commiſſioners to appoint collectors.

LXX. *And, to the end that the ſaid laſt-mentioned rates and aſſeſſments may be fully rated and paid*, it is hereby further enacted, that it ſhall and may be lawful to and for the ſaid commiſſioners, and they are hereby directed, from time to time, to nominate and appoint a ſubſtantial perſon or perſons to collect the ſaid rates and aſſeſſments; and ſhall and may allow unto ſuch collector or collectors ſuch reaſonable recompence or ſatisfaction for his or their trouble therein as to the ſaid commiſſioners ſhall ſeem meet.

Commiſſioners to repair and cleanſe ſewers, &c. in certain places out of the liberties of the city.

LXXI. *And whereas there are ſeveral places within the ſaid city and liberties, which are not ſubject to the juriſdiction thereof, but in which the commiſſioners of ſewers for the ſaid city and liberties have exerciſed the power of repairing and cleanſing the publick ſewers, vaults, and drains, and of aſſeſſing the inhabitants and occupiers of lands, houſes, ſhops, warehouſes, cellars, and other hereditaments, towards the expence thereof, in the ſame manner as the inhabitants of the ſaid city and liberties have been aſſeſſed*, be it enacted, that, from and after the paſſing of this act, it may be lawful to and for the ſaid commiſſioners, from time to time, and they are hereby authoriſed and impowered, at any publick meeting, to order and direct the repairing and cleanſing all and every the publick ſewers, vaults, and drains, within the places aforeſaid, when and as often as the ſaid commiſſioners ſhall judge fit and neceſſary, and alſo to make ſuch rate or rates, aſſeſſment or aſſeſſments as aforeſaid, for defraying the expences thereof, on the ſeveral tenants or occupiers of lands, houſes, ſhops, cellars, warehouſes, and other tenements, and hereditaments, within the ſaid ſeveral places, to be in like manner deducted by and allowed to them by their reſpective landlord or landlords.

Sugar-bakers, &c. not to throw lime into the ſewers.

LXXII. And be it further enacted, that if any ſugar-baker, or ſugar-refiner, ſoap-boiler or ſoap-maker, or any other perſon or perſons whatſoever, ſhall convey, throw, or cauſe, or permit, or ſuffer to be conveyed or thrown, any lime or clay uſed in his, her, or their trade, into any of the publick ſewers, drains, or vaults,

vaults, which now are, or hereafter ſhall be made, within the ſaid city and liberties, or into any publick ſewer, drain, or vault, without the ſaid liberties, which have been, or now are, or ſhall hereafter be under the management or direction of the ſaid commiſſioners, every ſuch ſugar-baker, or ſugar-refiner, ſoap-boiler, or ſoap-maker, or other perſon or perſons ſo offending ſhall, for the firſt offence, forfeit and pay the ſum of forty ſhillings; for the ſecond offence, the ſum of five pounds; and for the third, and every other offence, the ſum of ten pounds; and ſhall alſo pay all ſuch coſts charges damages and expences, which the ſaid commiſſioners ſhall or may be put unto for or on account of the opening, ſcouring, cleanſing, cloſing up, and paving over the ſewer or ſewers, drain or drains, vault or vaults, into which the ſame ſhall be by him, her, or them conveyed or thrown into as aforeſaid, to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or within the ſaid city, in the name of the principal clerk to the ſaid commiſſioners for the time being, in which action or ſuit, no protection, eſſoin, or wager of law, or more than one imparlance ſhall be allowed.

Account to be kept for cleanſing and repairing ſewers, &c.

LXXIII. And be it further enacted by the authority aforeſaid, that the ſaid commiſſioners ſhall, and they are hereby required to keep a ſeparate and diſtinct account of all the money raiſed for the purpoſes of cleanſing and ſupporting of all publick ſewers, vaults, and drains, and the expenditure thereof.

Impowering the collectors to diſtrain in caſe of non-payment.

LXXIV. And it is hereby further enacted and declared, that if any perſon or perſons, who ſhall be rated or aſſeſſed by virtue or in purſuance of this act, ſhall, by the ſpace of ten days next after his, her, or their reſpective rate or rates, aſſeſſment or aſſeſſments, ſhall be due and demanded by the collector or collectors authoriſed and appointed to collect and receive the ſame, refuſe or neglect to pay the ſame, (ſuch demand being either perſonally made to the reſpective perſon or perſons ſo charged, or left in writing at his, her, or their reſpective houſe or houſes, or place or places of abode;) then, and in every ſuch caſe, it ſhall and may be lawful to and for ſuch collector or collectors, every or any of them, having a warrant or warrants under the hand and ſeal of the ſaid commiſſioners, or any three of them, (which warrant or warrants the ſaid collector and collectors is and are hereby required to apply for, and the ſaid commiſſioners, or any three of them, are hereby authoriſed and required to grant,) and, with the aſſiſtance of a conſtable, or other peace-officer of the ward, county, city, or liberty, where the perſon or perſons ſo refuſing or neglecting ſhall reſide, to enter his, her, or their houſe or houſes, apartment or apartments, and then and there to diſtrain his, her, or their goods and chattels; and if the ſame ſhall not be replevied, or ſuch rate or aſſeſſment paid, within five days next after ſuch diſtreſs made, together with the coſts and charges thereof, then to appraiſe and ſell ſo much and ſuch part of the ſaid goods and chattels as ſhall be ſufficient to pay the ſaid rate or aſſeſſments, with the coſts and charges attending ſuch diſtreſs and ſale,

ſale, returning the overplus (if any) to the owner or owners of ſuch goods and chattels; the ſaid coſts and charges to be ſettled and allowed by the ſaid commiſſioners, or any three or more of them, who ſhall have granted ſuch warrant or warrants reſpectively.

Warrant of diſtreſs to be backed.

LXXV. Provided always, That no ſuch diſtreſs ſhall, by virtue of this act, be made out of the limits of the ſaid city, and liberties thereof, unleſs ſuch warrant or warrants reſpectively ſhall be firſt backed or counterſigned by ſome magiſtrate of the county, city, or liberty, where ſuch diſtreſs is propoſed to be made, which warrant or warrants any magiſtrate, who ſhall be applied to for that purpoſe, ſhall forthwith back or counterſign, without fee or reward.

Diſtreſs not to be deemed unlawful for want of form, nor the party be deemed a treſpaſſer *ab initio*.

LXXVI. And be it further enacted, That where any ſuch diſtreſs ſhall be made for any ſum or ſums of money to be levied by virtue of this act, the diſtreſs itſelf ſhall not be deemed unlawful, nor the party or parties making the ſame be deemed a treſpaſſer or treſpaſſers, on account of any default or want of form in any proceedings relating thereto, nor ſhall the party or parties be deemed a treſpaſſer or treſpaſſers *ab initio*, on account of any irregularity which ſhall be afterwards done by the party or parties diſtraining, but the perſon or perſons aggrieved by ſuch irregularity may recover full ſatisfaction for the ſpecial damage by any action on the caſe.

Plaintiff not to recover if tender of amends is made.

LXXVII. Provided always, That no plaintiff or plaintiffs ſhall recover in any action for ſuch irregularity, treſpaſs, or other proceedings, if tender of ſufficient amends ſhall be made by or on the behalf of the party or parties who ſhall have committed, or cauſed to be committed, any ſuch irregularity, treſpaſs, or wrongful proceedings before ſuch action brought; and in caſe no ſuch tender ſhall have been made, it ſhall and may be lawful for the defendant or defendants in any ſuch action, by leave of the court where ſuch action ſhall depend, at any time before iſſue joined, to pay into court ſuch ſum of money as he or they ſhall think fit, whereupon ſuch proceedings or orders and judgements ſhall be had, made, and given in and by ſuch court, as in other actions where the defendant is allowed to pay money into court.

Perſons neglecting their duty in granting or executing any warrant, to forfeit 5l.

LXXVIII. And it is hereby further enacted, That if any ſuch collector or collectors ſhall refuſe or neglect to apply for ſuch warrant or warrants as aforeſaid, or to make ſuch diſtreſs and ſale purſuant to the directions of this act, except in caſes where ſuch diſtreſs ſhall be diſpenſed with by the alderman, or his deputy, and the major part of the common councilmen of each reſpective ward, by writing under their hands, in reſpect of the poverty of the party or parties aſſeſſed, ſuch collector or collectors ſhall, for every ſuch refuſal or neglect, forfeit and pay the ſum of five pounds; and if any juſtice of the peace, upon ſuch application to him made, to back or counterſign ſuch warrant or warrants as aforeſaid, ſhall refuſe or neglect ſo to do, ſuch juſtice ſhall, for every ſuch refuſal or neglect, forfeit and

pay

pay the ſum of five pounds; and if any conſtable, being called upon by any collector or collectors, having ſuch warrant or warrants, ſhall refuſe or neglect to aid and aſſiſt him or them in making ſuch diſtreſs and ſale, he ſhall, for every ſuch offence, forfeit and pay the ſum of forty ſhillings.

Freemen, not paying the rates, incapable of voting at elections.

LXXIX. And, for the more effectual enforcing the payment of the ſaid rates and aſſeſſments for the purpoſes aforeſaid, it is hereby further enacted, That if any freeman of *London*, liable to pay the ſaid rates and aſſeſſments, or any re-aſſeſſments which ſhall and may be made in the caſes herein before or after mentioned, ſhall have neglected or refuſed to pay the ſame, or any part thereof, after ſuch demand as aforeſaid; or if any ſuch freeman ſhall, for or in reſpect of poverty or inability, have deſired to be excuſed, and accordingly ſhall have been excuſed, from paying any ſuch rate, aſſeſſment, or re-aſſeſſment; then, and in every ſuch caſe, every ſuch freeman ſhall be under the ſame incapacity of voting at elections within the city of *London*, as any perſon or perſons now is or are who do not pay their ſcot and lot to any of the yearly rates and aſſeſſments, to which the citizens of *London* are at this time, or ſhall hereafter become liable.

Appeal to the commiſſioners allowed.

LXXX. Provided always, and it is hereby declared and enacted, That any perſon or perſons who ſhall think him, her, or themſelves aggrieved by any rate or aſſeſſment to be made by virtue or in purſuance of this act, may, within the ſpace of thirty days next after ſuch rate and aſſeſſment ſhall have been demanded as aforeſeid, appeal to the ſaid commiſſioners, and they are hereby authoriſed and required forthwith to appoint a day for hearing ſuch appeal, and the party or parties ſo appealing ſhall give three days notice at the leaſt of the day ſo appointed, to the alderman of the ward in which the ſaid aſſeſſment ſhall have been made, or to his deputy; and ſuch notice having been given, the ſaid commiſſioners ſhall and may, upon the day ſo appointed, proceed to hear and determine ſuch appeal, and their determination ſhall be final, and no fees ſhall be paid on the making, hearing, or determining of ſuch appeal.

Commiſſioners to hear and determine complaints of inhabitants, upon any deficiency of rate, or omiſſion.

LXXXI. Provided alſo, and it is hereby further enacted and declared, That if the alderman of any ward within the ſaid city of *London*, or his deputy, with the major part of the common councilmen of the ſaid ward, ſhall, at any time or times hereafter, in any rates or aſſeſſments by them to be made by virtue and in purſuance of this act, neglect or omit to rate or aſſeſs any perſon or perſons liable to ſuch rates or aſſeſſments, or ſhall neglect or omit to rate or aſſeſs any lands, tenements, or hereditaments, or the inhabitants or occupiers thereof, within their ward, in proportion to the yearly rent of ſuch lands, tenements, or hereditaments reſpectively, as the ſame ſhall be aſcertained and rated in the rate or aſſeſſment towards the land tax; then, and in every ſuch caſe, upon complaint thereof made by any inhabitant of the ſaid city to the ſaid commiſſioners, they are hereby authoriſed and required forthwith to appoint a day for hearing

ing ſuch complaint, and the party or parties complaining ſhall give three days notice at the leaſt of the day ſo appointed, to the alderman of the ward to which ſuch complaint ſhall relate, or to his deputy; and ſuch notice having been given, the ſaid commiſſioners ſhall and may proceed to hear and determine ſuch complaint, and for that purpoſe ſhall and may ſummon witneſſes before them, and examine ſuch witneſſes upon oath, (which oath the ſaid commiſſioners are hereby authoriſed and impowered to adminiſter;) and if the ſaid commiſſioners ſhall judge the matter of ſuch complaint to be true, they ſhall make ſuch alterations in the ſaid rate or aſſeſſment as ſhall be juſt.

The money collected to be paid into the chamberlain's office.

LXXXII. And it is hereby further enacted, That every collector of the rates and aſſeſſments for the purpoſes of paving, cleanſing, and lighting the ſaid city and liberties, and for making, enlarging, widening, deepening, altering, and removing the common ſewers, publick drains, and vaults within the ſame, ſhall, from time to time, pay the monies ariſing therefrom, as he ſhall receive the ſame, to the chamberlain of the ſaid city of *London* for the time being; and, upon every ſuch payment, the ſaid chamberlain, or one of his clerks, ſhall, without fee or reward, ſign and give receipts in writing to ſuch collector, expreſſing his name, the ſum paid, and the name of the ward to which the ſaid collector ſhall belong; and if ſuch collector ſhall, at any time, keep and retain in his hands, of the monies ſo to be collected by him, the ſum of twenty pounds or upwards, above two days, (the chamber of *London* being within that time open to receive the ſame); then, and ſo often, ſuch collector ſhall forfeit and pay the ſum of ten ſhillings for every day he ſhall retain the ſaid ſum of twenty pounds or upwards, beyond the ſaid two days.

Collectors to deliver in an account in writing under their hands.

LXXXIII. And it is hereby further enacted by the authority aforeſaid, That every collector to be appointed by virtue or in purſuance of this act, to collect the rates and aſſeſſments for the paving, cleanſing, and lighting the ſaid city and liberties, and for making, enlarging, widening, deepening, altering, and removing the common ſewers, publick drains, and vaults within the ſame, ſhall, upon three days notice, in writing, given to or left for him, at his uſual place of abode, by the alderman of the ward to which ſuch collector ſhall belong, or his deputy, attend the ſaid alderman, or his deputy, at ſuch time and place, within their ward, as he ſhall appoint, or upon notice in writing to be given or left as aforeſaid by the clerk to the ſaid commiſſioners, ſhall attend the ſaid commiſſioners at ſuch place as they ſhall appoint in ſuch notice, and then and there, if required, deliver to ſuch alderman, or his deputy, or to the ſaid commiſſioners, upon oath, (or if ſuch collector be a quaker, then upon his ſolemn affirmation, which oath or affirmation ſuch alderman, or deputy, is, or the ſaid commiſſioners are hereby impowered to adminiſter), a true, exact, and perfect account, in writing, under the hand of ſuch collector, of all ſums of money which he ſhall then have received by reaſon of the ſaid

office; and alſo a true liſt of the names of all perſons within his ward who ſhall have refuſed or neglected to pay his, her, or their ſaid rates or aſſeſſments, with a true account of the ſeveral ſums of money which ſuch perſons ſhall reſpectively be in arrear, to to the intent that the ſame may be ſpeedily got in and recovered: and if any collector, after ſuch reſpective notices given as aforeſaid, ſhall refuſe or neglect to attend or deliver in his accounts as aforeſaid, or to produce and deliver in the vouchers relating to the ſame, or to account for any ſum or ſums of money by him collected or received, and to pay the ſame, and every part thereof, as is herein above directed; then, and in every ſuch caſe, ſuch collector ſhall, for every ſuch refuſal or neglect, forfeit and pay ſuch ſum of money as the rates and aſſeſſments which he ſhall have been intruſted or authoriſed to collect, ſhall amount unto, after deducting the amount of the ſum or ſums by him actually paid to the chamberlain of the ſaid city for the time being; which forfeiture ſhall and may be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record, to be commenced and proſecuted in the name of the principal clerk of the ſaid commiſſioners for the time being; in which action or ſuit ſuch collector ſhall be held to ſpecial bail, and no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed.

Collectors refuſing to account, the ſame to be levied by diſtreſs and ſale.

LXXXIV. Provided always, and it is hereby further enacted and declared, That if any collector or collectors of any of the ſaid rates and aſſeſſments ſhall have, in his or their hands, any of the ſaid rates or aſſeſſments, collected by him or them, and ſhall refuſe to account for and pay the ſame as aforeſaid, it ſhall and may be lawful to and for any juſtice of the peace for the ſaid city, by warrant under his hand and ſeal, to cauſe ſuch collector or collectors to be brought before him, to hear and determine the matter of ſuch complaint in a ſummary way; and if upon the confeſſion of ſuch collector or collectors, or the teſtimony of any credible witneſs or witneſſes upon oath (which oath ſuch juſtice is hereby impowered and required to adminiſter) it ſhall appear to him that any of the monies which ſhall have been collected and raiſed by virtue of this act ſhall then be in the hands of ſuch collector or collectors, and that he or they refuſeth or refuſe to pay the ſame according to the true intent and meaning of this act, the ſaid juſtice is hereby authoriſed and required, by a warrant or warrants under his hand and ſeal, to cauſe ſuch money to be levied by diſtreſs and ſale of the goods and chattels of ſuch collector or collectors reſpectively; and if no goods or chattels of ſuch collector or collectors can be found, ſufficient to anſwer and ſatisfy the ſaid money and the charges of ſuch diſtreſs and ſale, then the ſaid juſtice may and ſhall commit ſuch collector or collectors to one of the compters of the ſaid city, there to be detained and kept, without bail or mainprize, until he or they ſhall pay the ſame, or ſuch compoſition as the ſaid commiſſioners ſhall agree to accept in full, which compoſition ſuch commiſſioners are hereby impowered to make.

LXXXV. And

Commissioners to summon and examine collectors, upon oath, touching any complaint or neglect of duty.

LXXXV. And it is hereby further enacted, That every collector to be appointed, by virtue or in pursuance of this act, to collect the rates and assessments for the purposes of paving, cleansing, and lighting the said city and liberties, and for making, enlarging, widening, deepening, altering, and removing the common sewers, publick drains, and vaults within the same, shall, upon three days notice, in writing, given to or left for him at his usual place of abode, by the clerk of the said commissioners, attend the said commissioners at such time and place as shall be appointed in such notice, and then and there, if required, answer upon oath (or if such collector shall be a quaker, then upon his solemn affirmation, which oath or affirmation such commissioners, or any two of them, are hereby impowered to administer) touching any neglect of duty, or other matters of complaint against him; and if any such collector shall refuse or neglect to attend on such notice as aforesaid, it shall and may be lawful to and for the said commissioners, and they are thereby authorised and required, by warrant under their hands and seals, or the hands and seals of any three or more of them, to cause such collector to be brought before them, and to hear and determine the matter of such complaint in a summary way; and if such collector shall not shew good cause of excuse, to the satisfaction of the said commissioners, for his neglecting or refusing to attend on such notice as aforesaid, he shall, for every such neglect or refusal, forfeit and pay the sum of forty shilings, to be levied by distress and sale of the goods and chattels of such collector; and if no goods and chattels of such collector can be found sufficient to answer and satisfy the same and the charges of such distress and sale, then the said commissioners, by their warrant as aforesaid, may and shall commit such collector to any of the compters of the said city, there to be detained and kept for any time not longer than one month, nor less than fourteen days.

In case of collectors becoming bankrupts, executors or assignees to pay the money.

LXXXVI. And it is hereby further enacted, That if any collector or collectors, appointed in pursuance of this act, to collect the said rates and assessments shall happen to die, or become bankrupt, before he or they shall have fully paid and satisfied all the money by him or them received, by virtue of this act, or such composition for the same as aforesaid; then, and in every such case, the executors or administrators, executrix or administratrix, or other legal representative or representatives of such collector or collectors, or other person or persons possessing his or their estate and effects, shall, in the first place, out of such estate and effects, pay unto the chamberlain of the said city of *London* for the time being, all such sums of money as were in the hands of such collector or collectors, at the time of his or their death; and the assignee or assignees of his or their estate and effects, in case of bankruptcy, shall, after paying to the petitioning creditor or creditors, his, her, or their costs of suing out and prosecuting the commission against such bankrupt or bankrupts, in the next place, pay unto the said chamberlain all such sums of money as were in the hands of such collector or

collectors, at the time of the ſuing out of any ſuch commiſſion of bankruptcy againſt him or them, or ſo much thereof as the ſaid eſtate or effects will extend to pay, and the receipt of the ſaid chamberlain ſhall be a good diſcharge for the ſaid money; and every executor and adminiſtrator, aſſignee or aſſignees, or other perſon as aforeſaid, may, to any action or ſuit, commenced and brought againſt him or them, plead, or give in evidence the payment of the ſame, and ſhall be allowed ſuch payment out of the eſtate and effects of ſuch collector or collectors, prior to any other debt or demand whatſoever; and in caſe of nonpayment of the ſame, by the ſpace of one month after the ſame ſhall be demanded, it ſhall and may be lawful to and for the ſaid commiſſioners to commence and proſecute one or more action or actions for the ſame, in the name of the principal clerk of the ſaid commiſſioners for the time being, in any of his Majeſty's courts of record, againſt ſuch executors or adminiſtrators, aſſignee or aſſignees, or other perſon as aforeſaid.

If collectors or receivers become inſolvent, &c. the money to be again aſſeſſed.

LXXXVII. *And to the intent that ſubſtantial perſons may be choſen and appointed collectors in each ward*, it is hereby further enacted, That in caſe any ſuch collector or receiver ſhall become inſolvent, or ſhall embezzle, or make away with, detain, or miſapply any ſum or ſums of money, ſo collected by him, ſo that the ſame cannot be recovered, or ſhall die poſſeſſed of any ſuch ſum or ſums of money, and the ſame ſhall not be paid by his executors or adminiſtrators; then, and in every ſuch caſe, ſuch ſum and ſums of money ſhall be again rated and aſſeſſed on the inhabitants of the ward, for which ſuch perſon was choſen and appointed collector, by the alderman of ſuch ward, or his deputy, with the major part of the common councilmen of the ſaid ward, in ſuch proportion and manner as the ſaid rates are directed to be made by this act, and ſhall be collected, and levied in ſuch manner, and under ſuch penalty as are herein provided for collecting and levying the ſaid original rate and aſſeſſment.

Penalty on interrupting workmen.

LXXXVIII. And be it further enacted, That if any perſon or perſons ſhall, at any time or times, obſtruct, hinder, or moleſt any of the ſaid commiſſioners, or any ſurveyor or ſurveyors, or other officer or officers, workmen, perſon or perſons whomſoever, who ſhall be employed by virtue of this act, in the performance or execution of their duty, every ſuch perſon ſo offending, ſhall, for the firſt offence, forfeit and pay the ſum of five ſhillings; for the ſecond, the ſum of twenty ſhillings; and for the third, and every other offence the ſum of five pounds.

Chamberlain to pay all ſums of money, by order of the commiſſioners, and to make entries.

LXXXIX. And it is hereby further enacted, That the chamberlain of the ſaid city of *London* for the time being, ſhall and may, and is hereby authoriſed and required, out of the monies collected and paid into the chamber of the ſaid city, purſuant to this act, to pay all ſums of money which the ſaid commiſſioners ſhall, from time to time draw upon him for, or order him to pay; and the ſaid chamberlain for the time being ſhall, and he is hereby required to keep regular and clear entries, in a book or

or books to be for that purpoſe by him provided and kept, of all and ſingular his receipts and payments, on account or in purſuance of this act, to which book or books every citizen of *London*, liable to the ſaid rates, ſhall and may have free acceſs, at all convenient times, with full liberty to inſpect the ſame, without fee or reward; and alſo that the ſaid chamberlain for the time being ſhall, once in every year, have the ſaid accounts audited and paſſed by the ſaid commiſſioners, and ſhall deliver copies of the ſaid accounts to each houſe of parliament, within twenty days after the opening of every ſeſſion.

Commiſſioners impowered to borrow money upon the credit of the rates.

XC. *And for the more effectually enabling the ſaid commiſſioners to execute the purpoſes of this act, in the moſt expeditious manner*, it is hereby further enacted, That it ſhall and may be lawful for the ſaid commiſſioners, and they are hereby impowered, from time to time, when they ſhall judge it neceſſary for the purpoſes of paving, cleanſing, and lighting, the ſaid city and liberties, and of making, enlarging, widening, deepening, altering, and removing, the common ſewers, publick drains, and vaults within the ſame, to borrow and take up at intereſt any ſum or ſums of money, not exceeding forty thouſand pounds, upon the credit of the rates or aſſeſſments to be made and payable for the ſaid purpoſes, by virtue of this act, and by any writing or writings, upon vellum or parchment, ſigned by them, to aſſign the ſaid rates or aſſeſſments to any ſuch perſon or perſons who ſhall advance or lend ſuch money thereon, as a ſecurity or ſecurities for the ſeveral ſums ſo borrowed, with legal or lower intereſt for the ſame, which intereſt ſhall be payable and paid half-yearly by the chamberlain of the ſaid city for the time being, out of the monies to ariſe by or from the ſaid rates or aſſeſſments.

Money by annuities on lives may be borrowed.

XCI. *And whereas many perſons may chuſe to advance money for the purchaſe of annuities, to be ſecured upon and payable out of the ſaid rates and aſſeſſments*, it is hereby further enacted, That it ſhall and may be lawful to and for any perſon or perſons, to contribute, advance, and pay into the hands of the ſaid commiſſioners, for the purpoſes of paving, cleanſing, and lighting the ſaid city and liberties, and of making, enlarging, widening, altering, and removing the common ſewers, publick drains, and vaults within the ſame, any ſum or ſums of money; not exceeding in the whole the ſum of ſixty thouſand pounds, over and above all ſuch ſums as have been already borrowed for the purpoſes of paving, cleanſing, and lighting the ſaid city and liberties, for the abſolute purchaſe of one or more annuity or annuities, for the natural life of ſuch perſons, being of the age of forty-five years, or upwards, as ſhall be nominated by or on behalf of ſuch reſpective contributors, at the time of payment of their reſpective contribution-monies; which annuity or annuities ſhall not exceed the rate of eight pounds *per centum per annum* for every one hundred pounds, or for the abſolute purchaſe of one or more annuity or annuities for the natural life of ſuch perſon, being of the age of ſixty years or upwards, as ſhall be ſo nominated, which laſt annuity or annuities ſhall not exceed

the rate of ten pounds *per centum per annum* for every one hundred pounds; all which annuities, ſo to be purchaſed, ſhall be payable and paid by the ſaid chamberlain of the ſaid city for the time being, out of the monies to ariſe by or from the ſaid rates and aſſeſſments, by four equal quarterly payments, the firſt payment to be made to the reſpective purchaſers, or their aſſigns, at the expiration of the firſt quarter after payment of their reſpective purchaſe-monies, the rate whereof ſhall be ſettled and adjuſted by a publick ſale of the ſaid annuities, by the ſaid commiſſioners, to the beſt bidder for the ſame.

If annuitants die any perſons may purchaſe annuities for their lives.

XCII. Provided always, and it is hereby further enacted, That when and as often as any of the perſons for whoſe lives any annuities have been purchaſed by virtue of or under any of the ſaid recited acts, or for whoſe lives any annuities ſhall or may be purchaſed by virtue of or under this preſent act, ſhall happen to die, it ſhall and may be lawful to and for the ſaid commiſſioners to ſell and grant one or more annuity or annuities for the lives of other nominees, upon the terms aforeſaid, ſo that the whole of the monies paid for the purchaſe of ſuch annuities, then actually exiſting, doth not exceed the ſum of one hundred and ſeventy-five thouſand pounds; any thing herein before contained to the contrary thereof in any-wiſe notwithſtanding.

Clerk to enter all ſecurities for monies borrowed, or annuities granted.

XCIII. And it is hereby further enacted, That the clerk of the ſaid commiſſioners for the time being, ſhall enter in a book or books, to be for that purpoſe provided and kept by the ſaid commiſſioners, all ſecurities for money borrowed, or annuities granted, by virtue or in purſuance of this act, and all aſſignments or transfers thereof, expreſſing, in words at length, the names, ſurnames, additions, places of abode, and other deſcriptions, of all ſuch perſons as ſhall, from time to time, be intitled to ſuch ſecurities, and the ſums received upon ſuch ſecurities, and alſo the names, ſurnames, additions, places of abode, and other deſcriptions of the perſons for whoſe lives the ſaid annuities ſhall be reſpectively granted, and the days whereon the ſaid annuities ſhall reſpectively be payable; to which book and books the perſon and perſons intitled to and poſſeſſed of ſuch annuities, and all and every the perſon and perſons liable to the payment of the ſaid rates and aſſeſſments, ſhall, at all ſeaſonable times, have acceſs, with free liberty to inſpect the ſame without fee or reward.

Annuities ſhall not be liable to taxes.

XCIV. And it is hereby further enacted, That all and every perſon and perſons, who ſhall purchaſe ſuch annuity or annuities, and ſhall duly pay the purchaſe-monies for the ſame, at the rates aforeſaid, and his, her, or their reſpective executors, adminiſtrators, and aſſigns, ſhall have, receive, and enjoy the reſpective annuity or annuities ſo purchaſed, during the term of the natural life or lives of the perſon or perſons by them reſpectively nominated at the time of ſuch purchaſe, and ſhall have good, ſure, abſolute, and indefeaſible eſtates and intereſts in the ſaid annuities reſpectively, according to the true tenor and meaning

meaning of this act; and that none of the ſaid annuities ſhall be ſubject or liable to any tax aſſeſſed upon land by authority of parliament; and every ſuch purchaſer ſhall, upon payment of his or her purchaſe-money as aforeſaid, have an order on parchment or vellum for payment of the annuity or annuities ſo purchaſed by him or her, for and during the natural life or lives of ſuch perſon or perſons as ſhall be nominated by him or her as aforeſaid, which order ſhall be ſigned by the ſaid commiſſioners; and after ſigning thereof, ſhall be firm, good, valid, and effectual in the law, according to the purport and meaning thereof, and of this act.

Securities may be aſſigned.

XCV. And it is hereby further enacted, That it ſhall and may be lawful to and for any perſon or perſons, intitled to any of the ſecurities aforeſaid, and his, her, or their executors, adminiſtrators, or aſſigns, at any time or times by writing under his, her, or their hand or hands reſpectively, to aſſign or tranſfer ſuch ſecurities, by indorſement on the back thereof, to any perſon or perſons whatſoever, and ſo *toties quoties*; and ſuch aſſignments or transfers, after they ſhall reſpectively be entered by the clerk of the ſaid commiſſioners in manner aforeſaid, (which he is hereby required to do without fee or reward) ſhall intitle the perſon or perſons to whom they ſhall be reſpectively made, and his, her, or their reſpective executors, adminiſtrators, and aſſigns, to the benefit of the ſecurity or ſecurities ſo aſſigned or transferred.

Felony in caſe any perſon ſhall forge, &c. any aſſignment, certificate, &c. of all annuitants.

XCVI. And be it further enacted, That if any perſon or perſons whatſoever ſhall forge or counterfeit, or procure to be forged or counterfeited, or wilfully act or aſſiſt in forging or counterfeiting any aſſignment of any ſuch annuity as aforeſaid, or any certificate of the age, or of the life of any nominee, or any order or authority, in writing, to receive any annuity due, or to grow due, to any proprietor thereof, or any part thereof; or ſhall knowingly or fraudulently demand, or endeavour to have or receive any ſuch annuity or annuities, or any part thereof, by virtue of any forged or counterfeited aſſignment, letter of attorney, certificate, inſtrument, order, or authority, in writing; or ſhall falſely and deceitfuly perſonate any true and real proprietor or proprietors of any ſuch annuity or annuities, or the aſſignee of any ſuch proprietor or proprietors, and thereby receiving, or endeavouring to receive, the money of any ſuch true and lawful proprietor or aſſignee, as if ſuch offender were the true and lawful owner thereof; then, and in every and any of the ſaid caſes, all and every ſuch perſon and perſons, ſo offending, and being thereof convicted in due form of law, ſhall be adjudged guilty of felony, and ſhall ſuffer death without benefit of clergy.

Annuities to be paid out of money borrowed on the rates.

XCVII. And it is hereby further enacted, That all and every the ſum and ſums of money ſo to be advanced and lent, and the intereſt thereof, and all and every the annuity and annuities, ſo purchaſed, and to be purchaſed, ſhall be, and they are hereby charged upon, and ſhall be paid and payable, from time to

time, out of the monies arising from the rates and assessments, to be rated and assessed by virtue of this act, for the purposes of paving, cleansing, and lighting the said city and liberties, and of making, enlarging, widening, deepening, altering, and removing, the common sewers, publick drains, and vaults within the same; and all the persons who shall be so possessed of such securities, shall be creditors in equal degree, without preference in respect of the priority of his, her, or their advancing the money thereon.

Certain places in Holborn, &c. out of the liberties of the said city to be assessed.

XCVIII. *And whereas certain parts of* Holborn, *the* Minories, *and* Aldersgate Street, *are supposed to be out of the liberties of the said city of* London, *by means whereof the pavements of the several streets and places within the same respectively cannot be compleatly finished by the powers hereby vested in the said commissioners; wherefore, for the better and more speedy completion of the same*, be it enacted, That the several powers and authorities hereby vested in the said commissioners, and all the provisions and regulations herein before established, declared, and provided, for the purposes of paving, cleansing, and lighting the said city and the liberties thereof, and of making, enlarging, widening, deepening, altering, and removing, all or any the said publick sewers, drains, and vaults, within the same, shall respectively extend, and shall be in force, and in all respects be executed by the said commissioners, within such parts of *Holborn*, the *Minories*, and *Aldersgate Street*, as are, or are supposed to be, out of the liberties of the said city of *London*, and the courts and alleys leading into the same, or communicating therewith; and the inhabitants of the several parts and places aforesaid shall be rated and assessed according to the provisions herein before made, by the alderman of the ward next adjoining to the same respectively, or by his deputy, with the major part of his common councilmen; and such rates shall be recovered in manner herein before directed, any law, statute, custom, usage, or prescription to the contrary notwithstanding,

Proviso.

XCIX. Provided always, and be it further enacted and declared, That nothing in this act contained, with regard to paving, cleansing, and lighting, shall extend, or be construed to extend, to the liberty of *St. Martin le Grand*, belonging to the dean and chapter of *Westminster*; any thing in this act to the contrary in any-wise notwithstanding.

Same powers given to commissioners, as to commissioners of counties.

C. And be it further enacted, That the said commissioners shall and may, at all times hereafter, exercise and put in practice all and every the powers and authorities given to and vested in any commissioners of sewers, in any other county or place, by force and virtue of any of the laws and statutes of this kingdom, or of any commission to them granted pursuant to the same.

A toll to be taken at the several turnpikes hereafter mentioned, before any

CI. *And, to the end and intent that the useful purposes of this act may be the better and more speedily carried into execution, and for and towards increasing the fund for defraying the charges of paving, cleansing, and lighting the said city and liberties, and of making, widening, deepening, altering, and removing the common sewers, publick*

publick drains, and vaults, within the ſame, it is hereby further enacted, That upon and after the firſt *Sunday* next after the paſſing of this act, there ſhall be paid to the receiver or receivers, collector or collectors, to be nominated and appointed as herein-after mentioned, before any cattle or carriage ſhall be permitted to paſs on a *Sunday* through any or either of the turnpikes herein-after mentioned, or through any turnpike to be erected by virtue of this or any other act or acts of parliament near the ſame, *(videlicet)* the turnpike at *Mile-End*, the turnpike at *Bethnal-green*, the turnpike at *Hackney*, the turnpike at *Kingſland*, the turnpike at *Ball's Pound*, or *Pond*, *Iſlington*, the turnpike at *Holloway*, the turnpike at the end of *Saint John's Street*, the turnpike at the end of *Goſwell Street*, and the turnpike on the new road, commonly called *the City Road*, all which turnpikes are in the county of *Middleſex*, ; the following tolls, *(videlicet)*

cattle or carriage ſhall be permitted to paſs on a Sunday.

For every coach, chariot, berlin, chaiſe, chair, calaſh, or other carriage, drawn by ſix or more horſes, or mules, the ſum of ten-pence.

For every coach, chariot, berlin, chaiſe, chair, calaſh, or other carriage, drawn by four horſes, or mules, the ſum of eight-pence.

For every coach, chariot, berlin, chaiſe, chair, calaſh, or or other carriage, drawn by three or two horſes, or mules, the ſum of ſix-pence.

For every chaiſe, chair, calaſh, or other carriage, drawn by one horſe, or mule, the ſum of three-pence.

And for every horſe, mule, or aſs not drawing, the ſum of one penny.

The tolls.

Which ſaid reſpective ſums of money ſhall and may be demanded and taken for and in the name of a ſtreet-toll, over and above and excluſive of all other tolls, which are or ſhall be authoriſed to be taken and collected, upon or on account of the ſaid roads, or any of them, and the monies ariſing therefrom ſhall be and are hereby veſted in the ſaid mayor and commonalty, and citizens, and ſhall be diſpoſed of for the purpoſes of paving, cleanſing, and lighting the ſaid city and liberties, and of making, enlarging, widening, deepening, altering, and removing the common ſewers, publick drains and vaults within the ſame: and the ſaid commiſſioners are hereby impowered by themſelves, or by any perſon or perſons by them thereto authoriſed, to levy the toll hereby required to be paid, upon any perſon or perſons who ſhall, after demand thereof made, neglect or refuſe to pay the ſame as aforeſaid, or to deny or hinder any paſſage through the ſaid turnpikes reſpectively, until payment thereof; which ſaid toll ſhall and may be levied by diſtreſs of any horſe or horſes, or other cattle, upon which the toll is by this act impoſed, or upon any of the goods and chattels of ſuch perſon or perſons who ought to pay the ſame; and all ſuch horſes, cattle, or goods, may be detained until ſuch toll, with the reaſonable charges

The ſaid tolls to be taken above and excluſive of all other tolls.

Tolls veſted in the mayor and commonalty and citizens;

to be levied by diſtreſs and ſale.

Diſtreſs may be ſold after four days.

charges of ſuch diſtreſs ſhall be paid; and it ſhall and may be lawful for the perſon or perſons ſo diſtraining, after the ſpace of four days from the time of making and taking ſuch diſtreſs, to ſell the horſe or horſes, cattle, goods, or chattels, ſo diſtrained, rendering the owner or owners thereof the overplus upon demand, after ſatisfaction of the ſaid toll, and the reaſonable charges in and about making ſuch diſtreſs, keeping, and ſale, ſhall be fully paid and ſatisfied.

Commiſſioners may erect turnpikes, &c.

CII. And it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid commiſſioners, if they ſhall think proper, at any time or times during the continuance of this act, to cauſe to be erected any turnpike or turnpikes, at or near all or any of the reſpective places afore-mentioned, for the purpoſes of collecting the ſeveral and reſpective tolls hereby made payable, and alſo cauſe to be erected or provided a toll-houſe at or near each turnpike, and, from time to time, to remove or alter the ſame as they the ſaid commiſſioners ſhall think expedient; and the right and property of all the turnpikes and toll-houſes, to be from time to time erected and provided by virtue of this act, and the right and property of the materials provided for building or repairing the ſame, ſhall be, and are hereby veſted in the mayor and commonalty, and citizens; and they are hereby impowered to bring, or cauſe to be brought, any action or actions, in the name of the corporation, and to prefer, or order the preferring of indictments againſt any perſon or perſons who ſhall injure the ſame, or any part thereof, or diſturb them in the poſſeſſion thereof, or take or retain, or hold poſſeſſion thereof, after being required by order of the commiſſioners to deliver up the ſame.

Turnpikes, &c. veſted in the mayor and commonalty and citizens.

Tolls may be collected at the turnpikes already erected.

CIII. Provided always, and it is hereby further enacted and declared, That it ſhall and may be lawful for the ſeveral and reſpective receivers or collectors, and other perſons to be appointed by virtue of this act, to receive and collect the ſeveral tolls hereby made payable; and they are hereby authoriſed and impowered, for the purpoſes of this act, without the let, hinderance, or moleſtation of any perſon or perſons whatſoever, to make uſe of all or any of the gates, turnpikes, and toll-houſes, already erected, or hereafter to be erected or continued, by virtue of any act or acts of parliament, at or near the ſeveral and reſpective places whereat any toll is hereby authoriſed to be taken, ſo as ſuch reſpective receivers, collectors, or other perſons, do in no-wiſe hinder or interrupt the tranſacting of any buſineſs or purpoſe for which ſuch turnpikes and toll-houſes were reſpectively erected or provided.

Tolls to be paid but once a day.

CIV. Provided alſo, and it is hereby further enacted, That no perſon or perſons, ſhall be liable to pay the ſaid ſtreet-toll more than once for paſſing or re-paſſing at any time or times on the ſame day as aforeſaid, with the ſame cattle and carriage, but that all and every perſon and perſons, after having paid ſuch toll once as aforeſaid, ſhall, during the remainder of ſuch day, paſs toll-free, with reſpect to the ſaid ſtreet-toll, with the ſame cattle

and carriages, through the gate or turnpike at which any ſuch toll was paid, and alſo through all other gates and turnpikes whereat the ſaid tolls are hereby made payable, upon producing a note or ticket, denoting the payment of ſuch toll; which notes or tickets the collector of the ſaid tolls are hereby required to give *gratis*, on receipt of ſuch tolls.

Commiſſioners may leaſe, &c. the tolls.

CV. And it is hereby further enacted, that the ſaid commiſſioners may, and they are hereby impowered, upon or ten days notice being given in the *London Gazette*, to leaſe, or farm by the year, the tolls by this act granted, or any part or parts thereof, to any perſon or perſons, at, or for the largeſt yearly ſums that can be got for the ſame; provided that ſuch lettings or agreements be made in writing, and ſigned by the perſon or perſons taking or farming any ſuch tolls, and by the ſaid commiſſioners letting the ſame, and be not made for more than three years at a time; and that the money that ſhall be ſo agreed to be paid for the ſaid tolls, ſhall be made payable, and ſhall be paid to the chamberlain of the ſaid city for the time being, by quarterly payments; and that the perſon or perſons to whom the ſame ſhall be ſo lett, ſhall always pay one quarter's pay in advance; and if any letting or agreement for letting the ſaid tolls, or any part or parts thereof, ſhall be made, and any default ſhall be made in paying the money agreed to be paid, contrary to the true meaning of this act; then, every ſuch letting and agreement ſhall be void, and the perſon or perſons to whom the ſaid tolls ſhall be let ſhall be liable to account for the ſame, and to have the ſame levied and recovered upon and of him or them, in the ſame manner as is by this act directed for the accounting for the ſaid tolls by the collectors thereof, and for the levying and recovering the ſame upon and of them.

Commiſſioners may appoint officers.

CVI. And it is hereby further enacted, That it ſhall and may be lawful, to and for the ſaid commiſſioners, at any time or times, by any writing or writings under their hands and ſeals, to nominate and appoint ſuch perſon or perſons, to be receiver or receivers, collector or collectors of the ſaid reſpective tolls, as they ſhall think fit; and all perſons by this act made liable to pay the ſaid tolls, or any of them, are hereby required to pay the ſame to ſuch receiver or receivers, collector or collectors as aforeſaid; and all ſuch receivers and collectors, ſhall reſpectively pay the ſame into the office of the chamberlain of the ſaid city, in like manner, and under the like regulations and reſtrictions, as are herein before expreſſed, of and concerning the collecting and paying the rates and aſſeſſments aforeſaid; and ſhall alſo upon oath, if thereunto required by the ſaid commiſſioners conſtituted by this act, (which oath the ſaid commiſſioners are hereby authoriſed and impowered to adminiſter) from time to time give unto the ſaid commiſſioners, or to ſuch perſon or perſons as they ſhall appoint for that purpoſe, a true, exact, and perfect account, in writing, under their reſpective hands, of all monies which they, and every or any of them, ſhall to ſuch time have received, by virtue of this act; and if

ſuch

such receiver or collector shall not make and render, or shall refuse to verify upon oath any such account, or to make payment as aforesaid; then, or in either of such cases, it shall be lawful to or for one or more justice or justices of the peace, and such justice or justices, upon complaint to him or them made, is and are hereby authorised and required, to make enquiry concerning such default, as well by confession of the party as by the testimony of any credible witness or witnesses upon oath, (which oath such justice or justices is and are hereby impowered and required to administer, without fee or reward;) and if any such receiver or collector shall be convicted of any or either of the offences aforesaid, such justice or justices shall commit every such offender to the common county gaol, without bail or mainprize, until he shall give or make a true and perfect account and payment as aforesaid, or until he shall have compounded with the said commissioners constituted by this act, and shall have paid such composition, in such manner as they shall appoint, which composition the said commissioners are hereby impowered to make; and the said commissioners shall and may, out of the monies arising by the said tolls, or otherwise, make such allowance unto their receivers and collectors, and all other persons to be employed by or under the said commissioners, in the execution of this act, for their care and pains in their respective offices, as the said commissioners shall think fit and reasonable.

Justices to inquire into the default,

and commit the offender until payment or composition be made.

Commissioners to allow officers salaries.

For farming the tolls.

CVII. And it is hereby further enacted, That it shall and may be lawful to and for the commissioners of any one of the said turnpikes for the time being, or for any three or more of the commissioners of each of the said turnpikes, at any of their publick meetings, to treat and agree with the commissioners constituted by this act, for the taking or farming any of the said tolls.

Tolls may be assigned for money borrowed.

CVIII. And it is hereby further enacted, That the said commissioners, at any publick meeting, may, and they are hereby impowered to borrow, and take up at interest, any sum or sums of money, upon the credit of the tolls payable by virtue of this act, and to assign over the same, or any part thereof, by any writing or writings, under their hands and seals, or under the hands and seals of any seven or more of them, the charges of such assignments and conveyances to be paid out of such tolls respectively, to any person or persons who shall advance or lend their money thereon, as a security or securities, for the several sums which shall be borrowed, and the interest thereof, as aforesaid: and copies of all such assignments and conveyances shall be entered in a book or books to be kept for that purpose, by the clerk for the time being of the said commissioners; and all and every person and persons, to whom such assignments shall be made, are hereby impowered, from time to time, to assign and transfer their right and interest, by indorsement on the back of their securities, in like manner and form as the securities for the monies borrowed on the rates and assessments,

Assignments to be entered in a book.

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to be made and levied by virtue of this act, are before directed to be assigned and transferred; and all such assignments and transfers shall be produced, notified, and entered in like manner as is before described, with respect to the producing, notification, and entry of the assignments and transfers of the securities for such rates and assessments; and it shall not be in the power of any person who shall have made any assignment or transfer of their securities on the said tolls to make void or discharge the same, or any money due thereon; and no person or persons advancing any sums of money on the credit of the said tolls, shall be intitled to any preference with respect to the priority of advancing any such sum or sums, but all persons to whom any mortgages or assignments shall be made as aforesaid, shall be creditors in equal degree, one with another, in proportion to the sums therein mentioned.

All creditors deemed equal in degree.

CIX. And it is hereby further enacted, That if any person or persons shall forcibly or wilfully go or pass with any horse, beast, or carriage through any turnpike whereat any toll is, by virtue of this act, to be paid, without paying such toll, or producing a note or ticket as aforesaid, at such turnpike; or shall knowingly or designedly assault, interrupt, or obstruct any or either of the collectors or persons employed in the collecting or receiving any or either of the said tolls, in the execution of his or their respective office or offices, or shall forge, counterfeit, or alter, or shall deliver to, or receive from any other person or persons, any note or ticket with an intent to avoid the payment of any or either of the said tolls, or any part thereof, every person so offending, shall, for every such offence, forfeit and pay the sum of forty shillings, over and besides such damages and punishments as they and every of them respectively shall be liable to by law; and it shall and may be lawful to and for the said receivers or collectors, and for every of them, and all other persons required by them, to assist in that respect to seize any horse or horses, cattle or goods, belonging to, or in the possession, or under the care of any person or persons so offending in the premisses, and to take such offenders before any justice of the peace, and before him to make complaint of such offence or offences; and such justice may and is hereby required to enquire into the same, as well by examination of the party or parties, as by the testimony of any credible witness or witnesses upon oath, (which oath such justice is hereby impowered to administer without fee or reward;) and if the said justice shall see cause, to convict the party or parties complained of in the penalty aforesaid, and for nonpayment thereof, and of the tolls that shall be due (though the same shall not be demanded) by warrant under his hand and seal, to cause the said horse or horses, cattle or goods, to be sold for payment of the said tolls and penalties, and the charges of seizing and keeping the same, and of such sale, rendering the overplus, if any there shall be, to the owner or owners of the said horse or horses, cattle or goods, or to the person or persons under whose care or in whose-

Penalty on forcibly passing through the gates, &c. or giving or receiving tickets, &c. to avoid payment of the tolls.

whoſe poſſeſſion they reſpectively were when ſo ſeized as aforeſaid; and if no ſuch ſeizure as aforeſaid can or ſhall be made, then the aforeſaid penalty and tolls ſhall be levied and recovered by ſuch means, and applied in ſuch manner, as herein after mentioned.

Perſons aſſaulting, &c. the collectors they are impowered to take them before a juſtice of the peace.

CX. And moreover, it ſhall and may be lawful for any of the collectors of the rates and tolls hereby granted, or other officer to be appointed by virtue of this act, who ſhall be aſſaulted, obſtructed, or interrupted in the execution of any of their reſpective offices, and for every of them, and all other perſons required by them to aſſiſt in that reſpect, to take ſuch offender before any juſtice of the peace, who is hereby required to enquire into the ſame in manner as above directed; and if he ſhall ſee cauſe, to convict the party or parties complained of in the penalty laſt mentioned, to be levied and recovered as hereafter directed.

Money raiſed by this act veſted in the mayor, &c.

CXI. And it is hereby further enacted, That all the monies to be raiſed by virtue of this act, ſhall be, and the ſame are hereby veſted in the ſaid mayor and commonalty, and citizens of the ſaid city, and ſhall be applied to the purpoſes of this act, and to and for no other uſe or purpoſe whatſoever.

Writings to be without ſtamps.

CXII. Provided alſo, and it is hereby further enacted, That no nomination, contract, bond, warrant, judgement, or other writing whatſoever, under the hand and ſeal, or hands and ſeals, or only ſigned by any commiſſioner or commiſſioners, conſtituted by this act, or any juſtice or juſtices of the peace, or exhibited before any of them, or under the hand and ſeal, or hands and ſeals, or only ſigned by any other perſon or perſons whatſoever, relating to the execution of this act, ſhall be chargeable with any duty whatſoever.

For limiting the number and diſtances of coaches.

CXIII. *And whereas it would be very convenient and beneficial to the publick, if the number of hackney coaches which are allowed to ply for hire in certain ſtreets or places within the ſaid city and liberties, were, in ſome inſtances, to be limited, and their diſtances one from the other, when ſo plying, were to be regulated and ſettled, and a proper regiſter of the places of abode of the ſeveral owners of ſuch coaches was to be kept at the office of the commiſſioners under this act, at the* Guildhall *in the ſaid city*; be it therefore enacted, That from and after the paſſing of this act, the number of coaches to ſtand and ply for hire, between the end of *Freeman's Court* in *Cornhill* and the end of *Cornhill* eaſtward, in the ſaid city, ſhall be no more than ten at any one time; and from the end of *Bucklerſbury* to the end of *King-ſtreet*, *Cheapſide*, no more than five, and not to approach or continue nearer the one to the other than twenty feet; and that all and every other coach, ſtanding or plying for hire in any other ſtreet or place within the ſaid city and liberties, ſhall ſo ſtand or ply, except where the ſtanding ſhall be againſt any dead wall, at the ſpace or diſtance of eight feet at the leaſt from each other; and that all and every coach or coaches, plying or ſtanding for hire within the ſaid city and liberties, ſhall give way to, and make room for all waggons, drays,

drays, carts, and other carriages, to pass or repass along or across any of the said streets and places, upon pain that the owner or driver of every hackney coach, which shall stand or ply for hire in any of the said places where the number of hackney coaches is hereby limited, after the number of coaches so respectively limited shall be standing or plying therein, or shall stand or ply for hire nearer to any other hackney coach than is hereby directed, or shall not, upon demand, from time to time, give way, and make sufficient room for such other carriage to pass or repass as aforesaid, shall, for every such offence, forfeit and pay the sum of twenty shillings; to be recovered and levied by such ways and methods as by the several acts of parliament now in force concerning hackney coaches, or any of them, as all or any of the penalties and forfeitures incurred by hackney coachmen, may be now recovered and levied.

Places of abode of hackney coachmen to be registered.

CXIV. And be it further enacted, that within seven days after the owner of every hackney coach shall be licensed by the commissioners appointed for licensing and regulating hackney coaches and chairs, every such owner shall leave at the office of the said commissioners under this act, at the *Guildhall* aforesaid, with the principal clerk, or the assistant clerk, to the said commissioners, a true account in writing of his, her, or their place or places of abode, with the figure or number of each coach; and the several owners of hackney coaches already licensed by the said commissioners, shall, within sixty days after passing of this act, leave the like true account in writing of their respective places of abode, figures and numbers, at the aforesaid office, with the said principal clerk, or clerk-assistant, and so from time to time, every licensed hackney coachman shall, within seven days after his place of abode shall be changed, give the like account at the said office, upon pain that the owner or owners of every such hackney coach shall, upon every refusal or neglect so to do, forfeit and pay the sum of twenty shillings.

Proviso.

CXV. Provided always, that the said justice or justices may, and they are hereby impowered, at his or their discretion, to mitigate or compound any of the said forfeitures or penalties to or for any lesser sum, not less than one half thereof.

Offenders not paying penalties to be committed.

CXVI. And it is hereby further enacted, that in every case where any person shall, either upon his or her own confession, or by the oath of one or more credible witness or witnesses, be convicted before one or more justice or justices of the peace of the said city, or of the place where such person shall be found, of any offence by him or her committed against this act, for which offence any forfeiture or penalty is or are hereby enacted, the manner of recovering whereof is not hereby particularly directed, (which oath such justice or justices is and are hereby impowered to administer,) it shall and may be lawful to and for such justice or justices, and he and they are hereby authorised and directed, upon the said party's refusal or neglect to pay down such forfeiture or penalty, immediately to commit him or them to one of the compters of the said city, for any time not exceeding

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ing one month, and not leſs than fourteen days, unleſs the ſaid forfeiture or penalty ſhall be ſooner paid; and all and every the forfeitures and penalties, to be recovered by virtue of this act, ſhall be paid into the chamber of the ſaid city, and applied to ſome of the purpoſes to which any of the rates or aſſeſſments, to be raiſed by virtue hereof, are hereby directed to be applied.

Proceedings not to be quaſhed for want of form.

CXVII. And it is hereby further enacted, that no proceeding to be had touching the conviction of any offender or offenders againſt this act, or any order made, or other matter or thing to be done or tranſacted, in or relating to the execution of this act, ſhall be vacated or quaſhed for want of form; any law or ſtatute to the contrary notwithſtanding.

Limitation of actions.

CXVIII. And it is hereby further enacted, that no action or ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, until twenty-one clear days notice ſhall be thereof given in writing to the clerk for the time being of the commiſſioners conſtituted by this act, or after ſufficient ſatisfaction, or tender thereof, hath been made to the party or parties aggrieved, or after ſix calendar months next after the fact committed, for which ſuch action or actions, ſuit or ſuits, ſhall be ſo brought; and every ſuch action ſhall be brought, laid, and tried in the city or county where the cauſe of action ſhall ariſe, and not elſewhere; and that the defendant or defendants, in ſuch actions or ſuits, and every of them, may plead

General iſſue.

the general iſſue, and give this act, and the ſpecial matter, in evidence, at any trial or trials which ſhall be had thereupon; and that the matter or thing for which ſuch action or actions, ſuit or ſuits, ſhall be ſo brought, was done in purſuance and by the authority of this act: and if the ſaid matter or thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch action or ſuit was brought before twenty-one clear days notice given as aforeſaid, or that ſufficient ſatisfaction was made or tendered as aforeſaid, or if any ſuch action or ſuit ſhall not be commenced within the time before for that purpoſe limited or ſhall be laid in any other county or place than as aforeſaid, then the jury or juries ſhall find for the defendant or defendants therein; and if the plaintiff or plaintiffs in ſuch action or actions, ſuit or ſuits, ſhall become nonſuited, or ſuffer a diſcontinuance of ſuch action or actions, or if judgement ſhall be given for the defendant or defendants therein; then, and in either of the caſes afore-

Treble coſts.

ſaid, ſuch defendant or defendants ſhall have treble coſts, and ſhall have ſuch remedy for recovering the ſame, as any defendant or defendants may have for his, her, or their coſts, in any other caſes by law.

Act 8° Geo. 3 repealed.

CXIX. And it is hereby further enacted and declared, that immediately after the ſeveral authorities, powers, and proviſions herein before given or granted, eſtabliſhed, declared, and provided, ſhall commence and take effect reſpectively, for the purpoſes of paving, cleanſing, and lighting the ſaid city, and the liberties thereof, and the other purpoſes of this act, according to the tenor and true meaning thereof, the ſaid act made in the

eighth

eighth year of his preſent Majeſty's reign, for the better paving, cleanſing, and lighting the city of *London*, and the liberties thereof, and for preventing obſtructions and annoyances within the ſame, and for other purpoſes therein mentioned, and for repealing an act made in the ſixth year of his preſent Majeſty, for thoſe purpoſes, ſhall be, and the ſame is hereby repealed.

Rates under former acts not to be annulled.

CXX. Provided alſo, and it is hereby further enacted and declared, that nothing in this act contained ſhall extend, or be conſtrued to extend, to repeal, annul, or make void, any of the rates or aſſeſſments made or charged by virtue or in purſuance of any ſuch former act or acts of parliament, which were due and payable, or in arrear, on the twenty-fifth day of *March*, in the year one thouſand ſeven hundred and ſeventy-one, or any of the remedies, powers, or proviſions given or provided by ſuch former act or acts reſpectively, for the collecting, levying, or recovering the ſame; but all ſuch rates and aſſeſſments, and all arrears thereof reſpectively, which were due and payable on the ſaid twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy-one, and all the remedies, powers, and proviſions in and by ſuch former act or acts reſpectively granted, enacted, or provided, for the collecting, recovering, and levying the ſame reſpectively, ſhall continue and be in force; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

Not to make void proceedings under the ſaid act.

CXXI. Provided always, and it is hereby enacted and declared, that nothing herein contained ſhall extend, or be conſtrued to extend, to make void the appointment of any officers already appointed, by virtue of the ſaid act hereby repealed, or to make void any other proceeding, already had or commenced by virtue of, and under the authority of the ſaid act, or to prevent the compleating of any ſuch proceedings; but that the ſaid commiſſioners, conſtituted by this act, ſhall and may carry into execution, and compleat all ſuch proceedings commenced under the ſaid act, although repealed, in the like manner as if the ſame had been commenced under and by virtue of this act.

Act 19°, 22° & 23° Car. 2.
2° Gul. & Mary.
10° Geo. 2.
17° Geo. 2.
33° Geo. 2.
6° Geo. 3.

CXXII. Provided alſo, and it is hereby enacted and declared, that nothing in this act contained ſhall extend, or be conſtrued to extend, to revive the ſaid acts made in the nineteenth, and twenty-ſecond, and twenty-third years of the reign of the late King *Charles* the ſecond, or the ſaid act made in the ſecond year of the reign of their late majeſties King *William* and Queen *Mary*, or the ſaid act made in the tenth year of the reign of his late majeſty King *George* the ſecond, or the ſaid act made in the ſeventeenth year of the reign of his ſaid late majeſty King *George* the ſecond, or an act made in the thirty-third year of the reign of his ſaid late Majeſty, or an act made in the ſixth year of his preſent Majeſty's reign, but ſuch parts of the ſaid ſeveral acts as reſpectively relate to the publick ſewers, drains, vaults, or pavements of the ſaid city and liberties ſhall, and the ſame are hereby declared to be repealed; any thing in any of the ſaid acts to the contrary thereof in any-wiſe notwithſtanding.

Publick act.

CXXIII. And it is hereby further enacted, that this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch, by all judges, juſtices and other perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXX.

An act for cleanſing and lighting the ſtreets of the town of South Leith, the territory of Saint Anthony's, and Yard Heads thereunto adjoining, and for ſupplying the ſeveral parts thereof with freſh water.

CAP. XXXI.

An act for the encouragement of the white Herring fiſhery.

Preamble.

WHEREAS *the carrying on and improvement of the* Britiſh *white herring fiſheries are of great importance to theſe kingdoms, by increaſing the trade and navigation thereof, and being a nurſery for ſeamen, and otherwiſe a means of employing and providing for great numbers of induſtrious poor, provided that reaſonable encouragement be given to ſuch perſons as are willing to carry on the ſaid fiſheries: therefore, and for the better regulation of the ſaid trade, and for preventing frauds and impoſitions in the management thereof*, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, that as an encouragement to all perſons whatſoever, as well bodies politick and corporate as others, to engage in the ſaid white herring fiſheries, that, from and after the twenty-ſecond day of *October*, one thouſand ſeven hundred and ſeventy-one, a bounty of thirty ſhillings *per* ton ſhall be paid annually, in manner as herein after provided for, to the owner or owners of all decked veſſels from twenty to eighty tons burthen, which ſhall be fitted out and employed in the ſaid fiſheries, in manner and under the regulations herein after mentioned, and that, for the ſpace and term of ſeven years, from and after the ſaid twenty-ſecond day of *October*, one thouſand ſeven hundred and ſeventy-one, and to the end of the then next enſuing ſeſſion of parliament.

Bounty of 30s. per ton on the veſſels employed in the fiſheries.

How and where the bounty ſhall be paid.

II. And be it alſo enacted by the authority aforeſaid, that the ſaid bounty of thirty ſhillings *per* ton ſhall, for every veſſel or veſſels proceeding to the ſaid fiſheries, immediately, from any port or place within that part of *Great Britain* called *England*, be paid out of ſuch monies as ſhall be produced out of his Majeſty's cuſtoms there; and for all other veſſels which ſhall take their departure from any port or place within that part of *Great Britain* called *Scotland*, out of the monies which ſhall be produced out of his Majeſty's cuſtoms or exciſe within that part of the united kingdom laſt mentioned.

Proviſo.

III. Provided always, and it is hereby further enacted by the authority aforeſaid, that no perſon or perſons ſhall be allowed or intituled to receive the bounty herein before granted for any buſs or veſſel which ſhall not proceed directly upon the ſaid fiſhery, from that part of the united kingdom to which ſuch buſs or veſſel ſhall belong, and where her owners reſide; and that the

the maſter and owners of ſuch buſs or veſſel ſhall take out their licence from the collector and comptroller of the port where ſuch buſs or veſſel was *bona fide* manned, victualled, furniſhed, accoutred, and fitted out for that voyage; any thing in this act, or any law, cuſtom, or uſage, to the contrary notwithſtanding.

All buſſes or veſſels to be decked.

IV. And be it further enacted, that every ſuch buſs or veſſel which ſhall be employed in the ſaid white herring fiſheries, whoſe owner or owners ſhall be intituled to the bounty of thirty ſhillings *per* ton by virtue of this act, ſhall be a decked buſs or veſſel, built in *Great Britain* after the firſt day of *January*, one thouſand ſeven hundred and ſixty, and ſhall proceed on the ſaid fiſheries from ſome port in *Great Britain*, manned and navigated as by the law now in force is directed; and before ſuch buſs or veſſel proceed on ſuch voyage, or be intituled to the benefit of this act, ſhe ſhall be viſited by ſuch officer or officers of the cuſtoms belonging to ſuch port, who ſhall be appointed by the commiſſioners of the cuſtoms to examine into ſuch buſs or veſſel, and who ſhall take an account of the tonnage thereof, by admeaſurement, and ſhall certify ſuch his or their viſitation, examination, and admeaſurement, to the commiſſioners of his Majeſty's cuſtoms; and that ſhe hath on board ſuch a quantity of fiſhing-nets, and other ſtores, to be uſed in the ſaid fiſhery as herein after mentioned, and otherwiſe is a proper veſſel to be employed in the ſaid fiſhery; and upon its further appearing, by the oath of one or more owner or owners, or agent appointed by them, and of the maſter or chief officer of ſuch veſſel, written at the foot of the ſaid certificate, and made before the collector or comptroller of ſuch port, who are hereby impowered and required to adminiſter the ſame, that it is really and truly their firm purpoſe and determined reſolution, that ſuch buſs or veſſel ſhall proceed reſpectively, ſo manned, furniſhed, and accoutred, either to *Yarmouth*, in the county of *Norfolk*; *Whitehaven*, in the county of *Cumberland*; *Leith*, in the county of *Edinburgh*; *Inverneſs*, in the county of *Inverneſs*; or to *Braſſey Sound*, in *Shetland*; *Campbeltown*, or *Oban*, *in Argyleſhire*; or *Kirkwall*, in *Orkney*, and be at the rendezvous of the ſaid fiſhery there on or before the twenty-ſecond day of *June*, and ſhall not ſhoot or wet their nets before the twenty-fourth day of the ſaid month of *June*, and ſhall continue fiſhing to the twelfth day of *October*; or ſhall proceed to *Yarmouth*, in the county of *Norfolk*; *Whitehaven*, in the county of *Cumberland*; *Leith*, in the county of *Edinburgh*; *Inverneſs*, in the county of *Inverneſs*; or to *Braſſey Sound*, in *Shetland*; *Campbeltown*, or *Oban*, in *Argyleſhire*; or *Kirkwall*, in *Orkney*, and be at the rendezvous of the ſaid fiſheries, on or before the firſt day of *October*, and ſhall continue fiſhing to the eleventh day of *January* following, unleſs they ſhall have ſooner completed their loading of fiſh; and ſhall fiſh in an orderly and regular manner, without impeding or obſtructing other veſſels which ſhall be employed in the ſaid fiſhery; and ſhall keep a journal of their proceedings: and if, after ſuch certificate had, and oath made, ſuch owner or owners, or their

agents, and maſter, or chief officer of ſuch veſſel as aforeſaid do alſo become bound, with two ſufficient ſureties unto his Majeſty, his heirs and ſucceſſors, in the penalty of ſuch ſums as ſhall be equal to treble the bounty on the tonnage of his veſſel intended by this act, (which bond, the collector, with the approbation of the comptroller, is hereby required to take, and is to be in force for the ſpace of three years, againſt the maſter and his ſureties, for the faithful dealing of the ſaid maſter and ſhip company, in regard to the ſaid veſſel and voyage;) then, and in ſuch caſe, it ſhall and may be lawful for the collector and comptroller of ſuch port, to give and grant, and they are hereby required to give and grant to the maſter and owners of ſuch buſs or veſſel, full licence and authority to proceed on ſuch voyage as aforeſaid.

Such decked veſſel to have on board 12 Wincheſter buſhels of ſalt for every laſt of fiſh.

V. And to prevent any diſputes which may ariſe, whether a veſſel be properly qualified and duly fitted out for the herring fiſhery, according to the true intent and meaning of this act, and intitled to a certificate from the cuſtom-houſe officers, it is hereby enacted that every ſuch veſſel ſhall be a decked veſſel, built in *Great Britain*, after the firſt day of *January*, one thouſand ſeven hundred and ſixty, and ſhall have on board twelve *Wincheſter* buſhels of ſalt for every laſt of fiſh which ſuch veſſel is capable of holding; which ſalt ſhall be barrelled up in new barrels, and as many more new barrels as ſuch buſs or veſſel is capable of carrying, and ſhall have on board, at the place of rendezvous, two hundred and fifty ſquare yards of netting for each ton of buſs meaſurement, together with the cuſtomary quantity of other materials for the equipment and mounting of the ſaid two hundred and fifty yards of netting in the fiſhery buſineſs; but with liberty to make uſe of ſuch nets in the ſame as they ſhall find beſt adapted to the ſaid fiſheries.

Every veſſel of 20 tons to have ſix men on board.

VI. And be it further enacted, that every ſuch veſſel of twenty tons, which ſhall be employed in the ſaid fiſhery, ſhall have on board, at ſuch of the places afore mentioned as ſhall be appointed for their rendezvous, not leſs than ſix men; and every veſſel of greater burden ſhall, over and above the ſix men aforeſaid, have one for every five tons which ſhe ſhall exceed twenty tons.

Veſſels to be inſpected by officers of the cuſtoms.

VII. And be it further enacted by the authority aforeſaid, that, on the return of ſuch veſſel into any port of *Great Britain* for her diſcharge, the chief officer of the cuſtoms, or ſuch other officer of the cuſtoms as he ſhall appoint at ſuch port, ſhall immediately repair on board ſuch veſſel, and view the condition of ſuch veſſel and her lading, and certify the ſame, together with their obſervations thereon, and alſo the real tonnage of the ſaid buſs or veſſel; and the ſaid officers are alſo to take an account of the names of the maſter and other perſons on board, and to certify the ſame; and the maſter ſhall make oath before the collector and comptroller of ſuch port, (who are hereby impowered and required to adminiſter the ſame,) which ſhall be wrote on the back of, or annexed to the licenſe granted as aforeſaid,

and

and which they are hereby required to deliver up, and what they did in purſuance thereof, that ſuch veſſel was at one of the places before mentioned, at the time appointed by this act, and has not ſince been on any other voyage, or purſued any other deſign or view of profit; and that they did remain fiſhing according to the directions of this act, and had, at the time of their rendezvous, the quantity of nets and other ſtores and number of men herein before directed to be on board the ſaid veſſel; which certificate, ſchedule, licence, and oath, together with the account of the fiſh taken by the ſaid veſſel, ſhall be tranſmitted by the collector or comptroller of ſuch port, in caſe the ſaid buſs or veſſel departed with her licence from any port within that part of *Great Britain* called *England*, to the commiſſioners of the cuſtoms of *England*; and in caſe ſuch buſs or veſſel departed with her licence from any port within that part of *Great Britain* called *Scotland*, to the commiſſioners of cuſtoms or exciſe for that part of the united kingdom; and ſuch commiſſioners reſpectively being fully ſatisfied of the faithful dealings of the maſter and other perſons employed in ſuch veſſels with reſpect to ſuch voyage and fiſhing, ſhall, on demand, cauſe payment to be made to the owner or owners, or to his or their aſſigns, by the receiver-general of the cuſtoms or exciſe, as the caſe ſhall happen, the ſum of thirty ſhillings *per* ton, according to the admeaſurement of ſuch veſſel duly certified as aforeſaid.

Owners not intitled to have the bounty of 30s. per ton, in reſpect of ſuch veſſels as ſhall return with a leſs number of hands than required.

VIII. Provided always, and it is further enacted by the authority aforeſaid, that the owner and owners aforeſaid ſhall not be intituled to have and receive the bounty of thirty ſhillings *per* ton, by this act given, or allowed to veſſels employed in the ſaid fiſheries, in reſpect of ſuch veſſels as ſhall return into port with a leſs number of hands than ſuch veſſel is required by this act to have on board at the rendezvous, unleſs it ſhall be made appear, that ſuch number hath been reduced by death, or that ſuch reduction is occaſioned by ſickneſs, or deſertion, without any default, fraud, or colluſion, on the part of the ſaid owner and owners.

Owners not deemed liable to forfeit the bounty, if the veſſels did depart for ſuch reſpective places at the time appointed.

IX. And be it further enacted by the authority aforeſaid, that the ſaid owner and owners ſhall not be deemed liable to forfeit, or incur a forfeiture of the ſaid bounty of thirty ſhillings *per* ton, ſo given to veſſels employed in the ſaid fiſheries, in reſpect of ſuch buſſes as ſhall not arrive at one of the places, in and by this preſent act appointed for the rendezvouſing of the buſſes or veſſels to be employed in the ſaid fiſheries, by or on the reſpective days appointed for the rendezvous of ſuch buſſes or veſſels; provided, that ſuch buſſes or veſſels did really and *bona fide* take their departure for ſuch reſpective places of rendezvous, or one of them, at leaſt five days before the reſpective days herein before named and appointed for the veſſels employed in the ſaid fiſheries to be at ſuch reſpective places of rendezvous, and that ſuch buſſes or veſſels be fitted out in all reſpects conformable to the directions and regulations herein before provided.

In caſe buſſes

X. And be it further enacted by the authority aforeſaid, that in

do not arrive at their rendezvous, the oath may be varied.

in all cases where the respective busses employed in the said fisheries, and taking their departure for such respective places of rendezvous at the respective times before mentioned, shall not arrive at the said respective stations at *Yarmouth*, in the county of *Norfolk*; *Whitehaven*, in the county of *Cumberland*; *Leith*, in the county of *Edinburgh*; *Inverness*, in the county of *Inverness*; or to *Brassey Sound*, in *Shetland*; *Campbeltown*, or *Oban*, in *Argyleshire*; or *Kirkwall* in *Orkney*, or one of them, on or before the respective days herein before directed and appointed, the beforementioned oath, required to be made by the respective masters of such busses or vessels at their return into port for their discharge, with respect to so much of such oath as relates to their having arrived at such respective places of rendezvous, or one of them, on such days as is for that purpose already mentioned and appointed, or either of them, and to their having remained fishing, according to the directions of this present act, may and shall from henceforth, be varied, and made conformable to the particular circumstances attending such respective busses or vessels so quitting their respective stations at sea, from whence the said fisheries are directed to be carried one, or either of them, or to their not arriving at any of the said respective stations of *Yarmouth*, in the county of *Norfolk*; *Whitehaven*, in the county of *Cumberland*; *Leith*, in the county of *Edinburgh*; *Inverness*, in the county of *Inverness*; or to *Brassey Sound*, in *Shetland*; *Campbeltown*, or *Oban*, in *Argyleshire*, or *Kirkwall* in *Orkney*, herein before appointed for the rendezvous of such busses or vessels; and that such oath shall be made and taken by the master, or other chief officer, of such bus or vessel so returning into port for a discharge.

Persons employed in the said fisheries, to have the free use of all ports, harbours, &c. in Britain and the islands thereto belonging.

XI. And be it further enacted by the authority aforesaid, That all and every person and persons employed in the said fisheries may fish in any part of the *British* seas, and shall have and exercise the free use of all ports, harbours, shores, and forelands in *Great Britain*, or the islands belonging to the crown of *Great Britain*, below the highest high-water mark, and for the space of one hundred yards on any waste or uncultivated land beyond such mark, within the land, for landing their nets, casks, and other materials, utensils, and stores, and for erecting tents, huts, and stages, and for the landing, pickling, curing, and reloading their fish, and in drying their nets, without paying any foreland or other dues, or any other sum or sums of money, or other consideration whatsoever, for such liberty (except as herein after is excepted), any law, statute, or custom, to the contrary notwithstanding: and if any person or persons shall presume to demand or receive any dues, sums of money, or other consideration whatsoever, for the use of any such ports, harbours, shores, or forelands, within the limits aforesaid, or shall obstruct the fishermen, or other persons employed in the taking or curing of fish, or drying their nets, in the use of the same, every person so offending, shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered and levied in manner herein after directed.

Offenders to forfeit 100 l.

XII. Pro-

XII. Provided always, That nothing in this act contained ſhall extend to exempt the veſſels, or boats, employed in the ſaid fiſheries, from the payment of ſuch harbour or pier duties as are, and by the law ought to be, demanded for ſhips, veſſels, or boats, in piers, or harbours, which are built or artificially made, but that ſuch harbour or pier dues ſhall be paid in like manner as the ſame were liable to be paid before the paſſing of this act.

Penalty to be determined by bill or information.

XIII. And be it further enacted by the authority aforeſaid, That the penalty herein before mentioned ſhall and may be proſecuted and determined by bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or in the court of exchequer in *Scotland* reſpectively; wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance, ſhall be allowed; and one moiety of ſuch penalty ſhall be to the uſe of his Majeſty, and the other moiety to ſuch perſon or perſons as will ſue for and proſecute the ſame.

Commiſſioners of cuſtoms to order payment of ſaid bounty, according as the veſſel, &c. ſhall have departed.

XIV. And it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful for the commiſſioners of his Majeſty's cuſtoms for *England* and *Scotland* reſpectively, to order the ſaid bounty to be paid by the receiver-general or caſhier of the cuſtoms for that part of *Great Britain*, from whence the buſs or veſſel ſhall have departed as herein before directed, out of any money in the hands of ſuch receiver-general or caſhier, ariſing from any of the duties, revenues, and cuſtoms, under the management of ſuch reſpective commiſſioners; and if the receiver-general or caſhier of the cuſtoms at *Edinburgh* ſhall not have ſufficient money in his hands to pay the ſaid bounty, the commiſſioners of his Majeſty's cuſtoms at *Edinburgh*, or any three of them ſhall forthwith give the perſon or perſons intitled to receive ſuch bounty, a certificate, certifying the ſame to the commiſſioners of his Majeſty's exciſe for that part of *Great Britain* called *Scotland*; which certificate, being affixed to the licence, and other certificates and documents required by law, and being produced to the ſaid commiſſioners of exciſe, they the ſaid commiſſioners are hereby authoriſed and required, on demand, to cauſe the money therein certified as aforeſaid to be due, to be paid by the receiver-general, or caſhier of the ſaid exciſe, out of any money in his hands ariſing from any of the duties and revenues, under the management of ſuch commiſſioners; any law, cuſtom, or uſage, to the contrary notwithſtanding.

Receiver-general of cuſtoms at Edinburgh not having money to pay the bounty, commiſſioners to give a certificate to the perſon intitled to the commiſſioners of exciſe for payment.

XV. *And whereas the revenue in that part of* Great Britain *called* Scotland, *hitherto applicable to the payment of the bounties granted for the encouragement of the* Britiſh *white herring fiſhery, hath not been ſufficient to ſatisfy and pay the ſaid bounties for ſeveral veſſels and buſſes which have proceeded by licence on the ſaid fiſhery from thence, and divers certificates and orders for the payment of ſuch bounties do for that reaſon remain unſatisfied:* Now, for making a reaſonable compenſation for ſuch delay of payment, be it further enacted by the authority aforeſaid, That every perſon and perſons,

Perſons to whom bounty remains unſa-

tisfied, shall, after April 5, 1771, be intitled to interest of 3 *per cent.* for forbearance.

sons, who, from and after the fifth day of *April*, one thousand seven hundred and seventy one, shall be legally intitled to receive any such bounty which shall then remain due and unsatisfied, for, or in respect of any buss or vessel, which before the first day of *October*, one thousand seven hundred and seventy, proceeded from *Scotland* upon the said white herring fishery, shall, for the forbearance of such money as shall be so due, be allowed interest, after the rate of three pounds *per centum per annum* for the same, such interest to be computed from the said fifth day of *April*, one thousand seven hundred and seventy-one, and be continued until notice shall be given in the *London Gazette*, and *Edinburgh Courant*, by order of the lord high treasurer, or the commissioners or his Majesty's treasury for the time being, that the money due for such bounties, shall and will be paid off and discharged.

Commissioners of the customs in Scotland may cause said interest to be paid annually.

XVI. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of his Majesty's customs for that part of *Great Britain* called *Scotland*, to cause the said interest allowed by this act to be paid annually by the receiver-general of the customs in *Scotland*, out of any money in his hands arising from any of the duties, revenues, and customs, under the management of such commissioners.

Commissioners, &c. in Scotland, to transmit exact copies of certificates to the office in London, for recovery of money due to Greenwich Hospital from seamen employed in the white herring fishery.

XVII. And be it further enacted by the authority aforesaid, That, for preventing any difficulties about ascertaining, getting in, and receiving all such sums of money as shall for the future become due and payable by law, as a duty of six-pence *per* month from all seamen who are or shall be employed in the service of the *British* white herring fishery, for the support of the royal hospital at *Greenwich*, the commissioners for the time being of his Majesty's customs, or of excise, if in *Scotland*, as the case may be, shall, and they are hereby required, from time to time, after the commencement of this act, to transmit, or cause to be transmitted, with all convenient speed, to the office of the receiver for the time being of the said duty in *London*, a true and exact copy of every certificate which shall, from time to time, after the said commencement, be transmitted to them the said commissioners, by all or any of the respective collectors and comptrollers of the several out-ports in *Great Britain*, in order to the said commissioners causing payment to be made of the bounty of thirty shillings *per* ton, pursuant to the directions of an act of parliament made in the twenty-third year of his said late Majesty's reign, intituled, *An act for the encouragement of the* British *white herring fishery*.

CAP.

CAP. XXXII.

An act for defraying the charge of the pay and cloathing of the militia in that part of Great Britain *called* England, *for one year, beginning the twenty-fifth day of* March, *one thouſand ſeven hundred and ſeventy-one; for indemnifying the landholders of the Iſle of* Wight *from the payment of the monies due by virtue of an act of the ninth year of his preſent Majeſty; and for other purpoſes therein mentioned.*

Preamble.

WHEREAS *it is neceſſary that proviſion ſhould be made for defraying the charge of the pay and cloathing for the militia, in that part of* Great Britain *called* England, *for one year, from the twenty-fifth day of* March, *one thouſand ſeven hundred and ſeventy-one*; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That in every county, riding, or place, within that part of *Great Britain* called *England*, where the militia is or ſhall be raiſed, the receiver or receivers-general of the land-tax for ſuch county, riding, or place reſpectively, ſhall iſſue and pay the whole ſums required, in the manner, and for the ſeveral uſes herein-after mentioned; that is to ſay, for the pay of the ſaid militia for four calendar months in advance, at the rate of ſix ſhillings a day for each adjutant, where an adjutant is appointed; and at the rate of one ſhilling for each ſerjeant, with the addition of two ſhillings and ſixpence a week for each ſerjeant-major, where a ſerjeant-major is appointed; and at the rate of ſixpence a day for each drummer, with the addition of ſixpence a day for each drum-major, where a drum-major is appointed; and alſo at the rate of ſixpence a month for each private man and drummer, for defraying the contingent expences of each regiment, battalion, and independent company of militia; one penny whereof ſhall be applied for defraying the hoſpital expences of each regiment, battalion, or independent company, during the time of the men's being from home, upon account of their annual exerciſe; and alſo for half a year's ſalary for the clerk of each regiment or battalion of militia belonging to ſuch county, riding, or place, at the rate of fifty pounds a year; and alſo for the reſpective allowances to the clerk of the general meetings, and clerks of the ſeveral ſubdiviſion meetings, at the rates following; that is to ſay, to the clerk of the general meetings, at the rate of five pounds and five ſhillings for each meeting; and to the ſeveral clerks of the ſubdiviſion meetings, at the rate of one pound and one ſhilling for each meeting; and alſo for the cloathing of the militia for ſuch county, riding, or place, after the rate of three pounds and ten ſhillings for each ſerjeant, and two pounds for each drummer, with the addition of one pound for each ſerjeant-major, and each drum-major; and with reſpect to the private militia

Where the militia is or ſhall be raiſed, the receiver-general of the county is to iſſue four months pay in advance, according to the eſtabliſhment of pay here ſet down;

with half a year's ſalary to the regimental and battalion clerks;

and the allowances to the clerks of the general and ſubdiviſion meetings;

and pay for cloathing of the militia.

litia men, where the militia hath not been cloathed within three years, at the rate of one pound and ten ſhillings for each private man.

The above ſums are not to be paid, if pay has not before been iſſued, till the lord lieutenant or deputies ſhall have certified to the treaſury and receivers-general the inrolment of three-fifths of the men and officers.

II. Provided nevertheleſs, That in any county, riding, or place, where pay has not yet been iſſued for the militia, no pay ſhall be iſſued until his Majeſty's lieutenant, or in his abſence, or in caſe of a vacancy by the death or removal of his Majeſty's lieutenant, any three deputy lieutenants of any ſuch county, riding, or place, ſhall have certified to the commiſſioners of his Majeſty's treaſury, and to the receiver-general of the land-tax, that three-fifths of the number of private militia-men of ſuch county, riding, or place, have been inrolled, and that three-fifths of the proportion of their commiſſion officers have accepted their commiſſions, and entered their qualifications as by law required.

The money is to be paid by the receiver-general to the clerk of the regiment or battalion (except the allowances to the clerks of the meetings) upon producing the warrant of his appointment;

and for independent companies, to the reſpective captains, or to their order;

III. And be it enacted, That all ſuch ſums of money granted for the pay of the militia as aforeſaid, except ſuch as ſhall be due to the ſeveral clerks of the meetings aforeſaid, and except ſuch as ſhall be due on account of cloathing, ſhall, where the militia has never been embodied, be paid by the ſaid receiver or receivers-general of the land-tax, into the hands of the clerk or clerks of the regiments or battalions of militia belonging to ſuch county, riding, or place, upon his or their producing his or their warrant or warrants of appointments to ſuch office, under the hand and ſeal of his Majeſty's lieutenant for ſuch reſpective county, riding, or place; and where the militia has been embodied, into the hands of the clerk or clerks of the regiments or battalions, upon his or their producing his or their warrant or warrants of appointment to ſuch office, under the hand and ſeal of the colonel, or, where there is no colonel, of the commanding officer of each regiment or battalion reſpectively, notwithſtanding ſuch militia ſhall have been diſembodied; and where the militia ſhall be formed into an independent company, or independent companies, ſuch ſums as aforeſaid ſhall be paid by the ſaid receiver or receivers-general of the land-tax, into the hands of the reſpective captain of each independent company of militia, or to ſuch perſon as ſuch reſpective captain ſhall authoriſe to receive the ſame, according to the number of perſons hereby intitled to receive pay and cloathing, of which ſuch regiment or regiments, battalion or battalions, independent company or independent companies, ſhall have been appointed to conſiſt, according to the eſtabliſhment laid down in an act paſſed in the ſecond year of the reign of his preſent Majeſty, intituled, *An act to explain, amend, and reduce into one act of parliament the ſeveral laws now in being relating to the raiſing and training the militia within that part of* Great Britain *called* England; and ſuch receiver or receivers-general of the land-tax ſhall alſo, within fourteen days after the expiration of the third calendar month from the time of the ſaid firſt payment, make a ſecond payment for four calendar months in advance; and ſhall alſo, within fourteen days after the expiration of the

according to the eſtabliſhment laid down in the militia act of 2 Geo. 3.

A ſecond payment is alſo to

three

three calendar months from the time of the ſaid ſecond payment, make a third payment for four calendar months in advance, for the pay and contingent expences of the militia, and for the allowances to the regimental or battalion clerk or clerks aforeſaid, in the proportions herein before-mentioned; and the receipts of ſuch clerk or clerks, and of ſuch captain of an independent company, or captains of independent companies, or of ſuch perſon or perſons as ſuch captain or captains ſhall ſo authoriſe to receive ſuch money as aforeſaid, ſhall be a ſufficient diſcharge to ſuch receiver or receivers-general of the land-tax for the ſeveral ſums of money ſo by him or them paid.

be made within 3 months after the firſt; and a third within three months after the ſecond.

Receipts of the perſons to whom the money ſhall be ſo paid, diſcharge the receivers-general.

IV. And be it enacted, That the clerk of each regiment or battalion of militia ſhall forthwith, after the receipt of ſuch ſums of money as aforeſaid, pay, or cauſe to be paid, one calendar month's pay in advance to the adjutant of ſuch regiment or battalion reſpectively; and to the captain or officer commanding each company belonging to ſuch regiment or battalion, two months pay in advance for the ſerjeants and drummers; and alſo to the officer commanding the company, to which the ſerjeant-major and drum-major ſhall belong, two months pay in advance for ſuch ſerjeant and drum-major; and ſo from time to time as long as any money on that account ſhall remain in his hands: which pay every ſuch captain or officer commanding is hereby required to diſtribute to ſuch perſon belonging to his company, by this act intitled to receive the ſame, as it ſhall become due; and the captain of each independent company is hereby required to diſtribute to each perſon belonging to his company intitled thereto, ſuch money as he ſhall receive for pay of his company by virtue of this act; and ſuch captain or officer commanding ſhall, once in every year, give in to the clerk of the regiment or battalion to which ſuch company ſhall belong, or, if captain of an independent company, to the receiver-general, an account of the ſeveral payments he ſhall have made in purſuance of this act, according to the following form:

The regimental and battalion clerks are to pay in advance one month's pay to the adjutant; and two months pay to each captain for the ſerjeants and drummers; and for the ſerjeant-major and drum-major two months pay to be paid to the commanding officer of the company to which they belong:

Captains to diſtribute the pay accordingly; and account for the ſame yearly to the clerk; or receiver-general, if an independent company, according to the following form;

County

| County of | | |

penditure thereof, and deliver the ſame to the colonel or officer commanding ſuch regiment or battalion, to be by him examined, allowed, and ſigned; which account ſo allowed and ſigned ſhall be, and it is hereby directed to be, the proper voucher and acquital of ſuch clerk, for the application and diſpoſal of ſuch money.

Money allowed for contingent expences of independent companies to be applied, and accountedfor, by the captains.

VII. And be it enacted, That the money hereby directed to be iſſued for the contingent expences of each independent company of militia, ſhall be, in like manner, applied to the particular uſe of ſuch reſpective independent company by the captain thereof; and ſhall, yearly and every year, be in like manner accounted for to the receiver-general of the land-tax of the county or place to which ſuch independent company ſhall belong; whoſe allowance of ſuch account ſhall, in like manner, be the proper voucher for the expenditure and diſpoſition thereof.

Commanding officers to tranſmit to the court of exchequer returns of the officers and private men inrolled, and ſerving at the annual exerciſe.

VIII. And be it further enacted by the authority aforeſaid, That the officer commanding every regiment, battalion, or independent company of militia, which ſhall be raiſed and trained purſuant to the laws now in force, ſhall, and they are hereby reſpectively required, from time to time, within thirty days after the exerciſing of every ſuch regiment, battalion, or independent company ſhall be finiſhed, purſuant to the directions of the laws now in being in that reſpect, tranſmit to the proper auditor of his Majeſty's court of *Exchequer* a compleat return, ſigned by ſuch officer commanding, of the ſeveral officers, non-commiſſioned officers, and private men, who were actually inrolled, and did ſerve in every ſuch regiment, battalion, or independent company, at the time the ſame were ſo exerciſed as aforeſaid, in like manner and form as is required to be made to one of his Majeſty's principal ſecretaries of ſtate.

Clerk to retain money in his hands for his own ſalary.

IX. And be it enacted, That the ſaid regimental or battalion clerk may and ſhall retain to his own uſe, out of the money ſo by him received, ſuch further ſums as ſhall complete the allowance herein before made for his ſalary.

When the ld. lieuts. or deputies ſhall have fixed the days of exerciſe, they are to certify the ſame to the receiver-general, ſpecifying the number of men, and days they ſhall be abſent from home.

Receiver-general to iſſue thereupon pay for officers and

X. And be it further enacted, That whenever his Majeſty's lieutenant, or any three or more deputy-lieutenants of any county, riding, or place, ſhall have fixed the days of exerciſe for the militia, he or they ſhall, as ſoon as may be, certify the ſame to the receiver-general of ſuch county, riding, or place, ſpecifying the number of men, and the number of days ſuch men are to be abſent from home on account of ſuch exerciſe; and ſuch receiver-general is hereby required, within fourteen days after the receipt of ſuch certificate, to iſſue and pay to the clerk of the ſeveral regiments or battalions, at the rate of ſeven ſhillings and ſixpence *per* day for the captain of each company, and at the rate of three ſhillings and ſixpence *per* day for each lieutenant, and of three ſhillings *per* day for each enſign; and alſo at the rate of one ſhilling *per* day for each private militia-man, with the addition of ſixpence *per* day for each corporal of the militia, ſo to be called out to exerciſe, for the number of days ſuch officers

men to the regimental clerk, &c.

cers and men ſhall be abſent from home on account of ſuch exerciſe; and in ſuch counties where there ſhall be independent companies only, the receiver-general of each ſuch reſpective county ſhall iſſue and pay to the captains of the independent companies at the rate of ſeven ſhillings and ſixpence *per* day for each captain, three ſhillings and ſixpence *per* day for each lieutenant, and three ſhillings *per* day for each enſign; and alſo at the rate of one ſhilling *per* day for each private militia-man, with the addition of ſixpence *per* day for each corporal of the militia, ſo to be called out to exerciſe, for the number of days ſuch officers and men ſhall be abſent from home on account of ſuch exerciſe; and the ſaid regimental or battalion clerks are hereby required forthwith to pay to each captain of the ſaid regiments or battalions the proportion or pay belonging to each captain, and likewiſe the pay belonging to their reſpective companies.

Where there ſhall be independent companies only, the receiver-general is to iſſue pay to the captains, according to the rate here ſet down.

Clerk to pay over the money to the reſpective captains.

Captains to make up their account according to the following form;

XI. And be it further enacted, That the captain of each company ſhall make up an account of all monies received and paid by him on account of ſuch exerciſe, according to the following form:

County of Dr. *Per Contra* Cr.

To caſh received of the regimental or battalion clerk, or receiver-general (*as the caſe ſhall* be) for days pay of men

By my pay as captain
Paid lieutenant
Paid enſign
Paid militia men days
Paid additional pay to corporals days

to be ſigned by them, and counterſigned by the commanding officer, and delivered, with the balance, to the clerk, or receiver-general.

Which account ſhall be ſigned by the ſaid captain, and counterſigned by the commanding officer; and ſuch captain ſhall, within ten days after the time ſuch exerciſe is finiſhed, deliver ſuch account, and pay the balance, if there be any due, to the regimental or battalion clerk; or, if captain of an independent company, to the receiver-general: and ſuch accounts ſhall be allowed as ſufficient vouchers in the paſſing of the accounts of ſuch receiver-general, at the receipt of his Majeſty's *exchequer*.

Accounts allowed ſufficient vouchers.

During the time the troops are embodied, and called out into actual ſervice, and receive pay as the King's other forces, all pay and allowances from the receivers-general is to ceaſe.

XII. Provided always, and be it enacted, That where any regiment, battalion, or independent company of militia, is or ſhall be embodied, and called out into actual ſervice, and thereby the officers and private militia-men are or ſhall be intitled to the ſame pay as the officers and private men in his Majeſty's other regiments of foot receive, all pay from the receiver or receivers-general of the land-tax for the county, riding, or place, to which ſuch regiment, battalion, or independent company of militia ſhall belong, whether to the adjutants, ſerjeants, private militia men, or others; and all money allowed as aforeſaid for the contingent expences of ſuch regiment, battalion, or independent company of militia; and alſo the allowance to the clerk of ſuch regiment or battalion, ſhall, during ſuch time of

actual ſervice, and until ſuch regiment, battalion, or independant company ſhall be diſembodied, and return home, ceaſe, and not be paid.

Receivers-general to pay the allowances to clerks of the general meetings, and to the clerks of the ſubdiviſion meetings upon producing orders from the lieutenant or deputy lieutenants;

XIII. And be it enacted, That the ſaid receiver or receivers of the land-tax ſhall pay to the clerk of the general meetings his allowance, at the rate of five pounds and five ſhillings for each meeting, upon his producing an order or orders for that purpoſe from his Majeſty's lieutenant, or from three deputy-lieutenants aſſembled at ſome general meeting or meetings; and ſhall alſo pay to each and every of the clerks of the ſubdiviſion meetings their ſeveral allowances, at the rate of one pound and one ſhilling for each meeting, upon his or their producing an order or orders from one or more deputy-lieutenant or deputy-lieutenants, aſſembled in the ſeveral ſubdiviſion meetings; which ſaid order or orders ſhall be to the ſaid receiver or receivers-general of the land-tax, a ſufficient diſcharge for the payment of ſuch allowances, and be allowed in his or their account.

which orders to be a diſcharge to receivers-general.

Regimental and battalion clerks to give ſecurity for paying and accounting for the monies received by them;

the bonds to be lodged with the receivers-general, and put in ſuit by them on non-performance of the conditions;

and they are intitled thereupon to full coſts and charges,

and 5 l. *per cent.* of the money recovered;

the reſidue to be accounted for to the auditor.

XIV. Provided always, and be it enacted, That the clerk of each regiment or battalion of militia ſhall give ſecurity to the receiver or receivers-general of the land-tax of the county, riding, or place, to which ſuch regiment or battalion ſhall belong, by a bond to his Majeſty in the penalty of one half of the ſum required for the whole year's charge of the regiment or battalion of militia to which ſuch clerk ſhall belong, for duly anſwering and paying ſuch ſums as he ſhall, from time to time, have received, and for duly accounting for the ſame, and for performance of the truſt hereby in him repoſed; which ſaid bond ſhall be lodged in the hands of the receiver or receivers-general of the land-tax for the reſpective county, riding, or place, who, in caſe the ſaid regimental or battalion clerk ſhall not duly perform the conditions compriſed in the ſaid bond, ſhall, and is hereby required forthwith to put the ſaid bond in ſuit in the name of his Majeſty, his heirs and ſucceſſors; the full coſts and charges of which ſuit, in caſe judgement ſhall be given againſt ſuch regimental or battalion clerk, ſhall be paid by him to the ſaid receiver or receivers-general of the land-tax, who ſhall likewiſe be intitled to, and receive to his or their own uſe, at the rate of five pounds *per centum*, out of all ſuch monies as ſhall be by him or them recovered thereon; and ſhall account for the reſidue thereof with the proper auditor of his Majeſty's revenue; the ſaid receiver or receivers-general of the land-tax charging himſelf or themſelves therewith, upon the next account of the land-tax to be by him or them paſſed.

The regimental and battalion clerks and captains of independent companies, are to deliver in accounts of their

XV. And be it enacted, That the clerk of every regiment or battalion of militia, and the captain of every independent company of militia, in every county, riding, and place, within the part of *Great Britain* aforeſaid, ſhall, between the twenty-fifth day of *March* and the twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-one, deliver to the receiver or receivers-general of the land-tax for the county, riding, or place,

eceipts and disburſements;

and pay over the balance to the receivers-general;

who are to tranſmit the accounts into the auditor's office.

to which ſuch regiment, battalion, or independent company ſhall belong, a fair account, in writing, of all monies by him received and diſburſed for the ſervice of the preceding year, in purſuance of this act, with proper vouchers for the ſame; and ſhall pay back to the ſaid receiver or receivers-general of the land-tax, any ſurplus of ſuch monies that ſhall then be in his hands; which ſaid accounts, ſigned by ſuch regimental or battalion clerk, or by ſuch captain of an independent company reſpectively, ſhall be tranſmitted by the ſaid receiver or receivers-general of the land-tax into the office of the proper auditor of his Majeſty's revenue.

XVI. *And whereas, by an act made in the laſt ſeſſion of this preſent parliament, intituled,* An act for defraying the charge of the pay and cloathing of the militia in that part of *Great Britain* called *England*, for one year, beginning the twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy, it is enacted, (amongſt other things) that in every county, riding, or place, within that part of *Great Britain* called *England*, where the militia was or ſhould be raiſed, the receiver or receivers-general of the land-tax for ſuch county, riding, or place reſpectively, ſhall iſſue and pay the whole ſums required, in the manner and for the ſeveral uſes therein mentioned; and that the receipts of the clerk or clerks of the regiments or battalions of militia belonging to ſuch county, riding, or place, and of ſuch captain of an independent company, or captains of independent companies, or of ſuch perſon or perſons as ſuch captain or captains ſhall authoriſe to receive ſuch money as aforeſaid, ſhall be a ſufficient diſcharge to ſuch receiver or receivers-general of the land-tax for the ſeveral ſums of money ſo by him or them paid; and alſo that the accounts of all monies received and paid by the captain of each company being made up, ſigned, and the balance paid in the form and manner therein particularly directed, ſhall be allowed as ſufficient vouchers in the paſſing of the accounts of ſuch receiver-general, at the receipt of his Majeſty's *exchequer*.

No account of any receiver, &c. of the land-tax, for monies iſſued, to be ſtopped in the court of Exchequer; but the receipts of the clerks of the ſeveral regiments for officers pay to be allowed as ſufficient vouchers.

XVII. *And whereas doubts have ariſen whether the paſſing of the accounts of ſuch receiver or receivers-general of the land-tax ought not to be ſtayed in and by the courſe of his Majeſty's court of* exchequer, *in caſes where the receipts produced for the monies iſſued and paid by them to ſuch clerks of the ſeveral regiments or battalions, and to the captains of the independent companies reſpectively, for and on account of the pay of the reſpective officers of ſuch regiments, battalions, or companies, do not correſpond with the return in and by the ſaid recited act required to be made and tranſmitted to the proper auditors of his Majeſty's ſaid court of* exchequer, *of the ſeveral officers, non-commiſſioned officers, and private men, who were actually inrolled and did ſerve in every ſuch regiment, battalion, or independent company, in like manner and form as is required to be made to one of his Majeſty's principal ſecretaries of ſtate*; be it therefore enacted and declared by the authority aforeſaid, That no accounts of ſuch receiver or receivers-general of land-tax ſhall or may be ſtopped or delayed in the ſaid court of *exchequer* for ſuch cauſe as aforeſaid, but that the

the ſaid receipts of ſuch clerks of the ſeveral regiments or battalions of militia, and of ſuch captains of the independent companies, or perſons authoriſed by them, as aforeſaid, for or on account of the pay of ſuch officers reſpectively, iſſued and paid by ſuch receivers as aforeſaid, are and ſhall be allowed as ſufficient vouchers in the paſſing of the accounts of ſuch receiver-general, at the receipt of his Majeſty's *exchequer*, and the ſame ſhall be paſſed accordingly, without delay.

Recovery of penalties, &c.

XVIII. Provided always, and be it enacted, That all penalties, all coſts and charges of ſuit, and all ſums of money for which any perſon or perſons is or are by this act made anſwerable, may and ſhall be recovered in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint, or information, wherein no eſſoin, wager at law, or protection, or more than one imparlance, ſhall be allowed.

No fee payable for any warrant or ſum of money iſſued in purſuance of this act.

XIX. Provided always, and be it enacted, That no fee or gratuity whatſoever ſhall be given or paid for or upon account of any warrant or ſum of money which ſhall be iſſued in relation to, or in purſuance of this act.

Officers on half-pay ſerving in the militia may receive the ſubſiſtence-money payable to lieutenants or enſigns,

XX. Provided always, and be it enacted, That any perſon being on half-pay, or being intitled to any allowance, as having ſerved in any or either of the two troops of horſe guards, or regiment of horſe reduced, and ſerving in the militia, ſhall and may, and he is hereby impowered to receive and take the ſubſiſtence-money by this act directed to be paid to captains, lieutenants, or enſigns; and the receiving and taking ſuch ſubſiſtence-money by any ſuch captain, lieutenant, or enſign, ſhall not be deemed a receiving or taking pay, ſo as in any manner to prevent ſuch perſon on half-pay, or being intitled to any ſuch allowance, from receiving his half-pay, or ſuch allowance; and ſuch perſon ſhall take the following oath before ſome juſtice of the peace, who is hereby impowered to adminiſter the ſame;

they taking the following oath before a juſtice.

The oath.

I A B *do ſwear, That I had not, between the* *any place or empl yment of profit, civil or military, under his Majeſty, beſides my allowance of half-pay as a reduced* *in late regiment of* (*or aliowance as* *in late troop of horſe guards, or regiment of horſe reduced*) *ſave and except my ſubſiſtence as a lieutenant or enſign* (as the caſe may be,) *for ſerving in the militia of the county of*

and the taking the ſaid oath ſhall be ſufficient to intitle ſuch perſon to receive his half pay, or the ſaid allowance, without taking any other oath; any law, uſage, or cuſtom, to the contrary thereof notwithſtanding.

Receiver-general, upon receiving a warrant from the commanding officer,

XXI. And be it further enacted by the authority aforeſaid, That the receiver-general of the land-tax, ſo ſoon as he ſhall receive a warrant under the hand of the colonel or commanding officer of their reſpective regiments or battalions, certifying the receipt of the cloathing, and an order from the ſaid colonel or com-

certifying the receipt of the cloathing, and an order for payment, is to pay the ſame accordingly.

commanding officer for the money due on account of the ſame, payable to the perſon or perſons who furniſhed the ſaid cloathing, ſhall pay the ſum mentioned in ſuch order to the perſon intitled to receive the ſame; and ſuch warrant and order, together with the receipt of the perſon receiving the ſaid money, ſhall be a ſufficient diſcharge to ſuch receiver-general.

If any regiment, &c. ſhall ceaſe, 3 s. *per diem* is to be paid to the adjutant from ſuch time to 25 March, 1772.

XXII. And be it further enacted by the authority aforeſaid, That in caſe any regiment, battalion, or independent company, ſhall ceaſe and determine, during the continuance of this act, the ſum of three ſhillings *per diem* ſhall be paid to ſuch perſon as has actually ſerved as adjutant to ſuch regiment, battalion, or independent company, from the time ſuch regiment, battalion, or independent company, ſhall ceaſe, to the twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy-two.

His Majeſty's lieutenant, or deputies, ſhall, yearly, before 25 December, certify to the clerks of peace that ſuch militia hath been raiſed.

XXIII. *And whereas by an act made in the ninth year of his preſent Majeſty, intituled,* An act for explaining, amending, and continuing, an act made in the ſecond year of his preſent Majeſty, intituled, *An act to explain, amend, and reduce into one act of parliament, the ſeveral laws now in being, relating to the raiſing and training the militia within that part of* Great Britain *called* England; *it is, amongſt other things, enacted, That his Majeſty's lieutenant, or the deputy-lieutenants for every county or place within that part of* Great Britain *called* England, *where the militia has been or ſhall be raiſed, ſhall yearly, and every year, on or before the twenty-fifth day of* December, *certify to the clerk of the peace of every county or place reſpectively, that the militia of ſuch county or place hath been raiſed, and when, and at what time, the ſame was firſt raiſed, the names, number, and rank of officers, and the number of private men of the militia in the year when ſuch certificate is made, and the reſpective times of ſuch militia being trained and exerciſed in the year in which ſuch certificate is made; which certificate ſhall, by the clerk of the peace who ſhall receive the ſame, be delivered to the juſtices of the peace at their general quarter-ſeſſions, to be held next after the twenty-fifth day of* December *in every year, on the day on which ſuch ſeſſions ſhall be opened, and ſhall file the ſame amongſt the records of ſuch ſeſſions, ſo that the true ſtate of the militia in each county may appear:* and it is further enacted, That in all counties and places where the militia ſhall not be raiſed the ſum of five pounds, ſhall be annually paid for and in lieu of every private militia-man, directed to be raiſed within the ſame; and that in every county and place where no ſuch certificate ſhall be made by his Majeſty's lieutenant, or the deputy-lieutenants, in manner herein before directed, and the ſame ſhall be certified by the clerk of the peace, the juſtices of the peace of every ſuch county and place ſhall, and they are hereby required, at their ſaid general quarter-ſeſſions of the peace, to be held next after the twenty-fifth day of *December* in every year, to rate and aſſeſs the ſum of five pounds *per* man upon ſuch county and place, in ſuch and the ſame manner, and according to ſuch and the ſame proportions, upon every town, pariſh, and place, within each reſpective county and place; and to be levied, collected, received, and paid, and

Certificate to be delivered to the juſtices, at their general quarter-ſeſſions, and filed among the records.

Counties, where militia ſhall not be raiſed, to pay 5 l. for each militia man.

Lieutenant, &c. making default in certificates for any county, juſtices to aſſeſs ſuch county in 5 l. *per* man;

to be levied as

and to be accounted for in such manner, and by such means, with such powers of distress and other remedies for enforcing the collection and payment thereof, and for punishing all persons whose duty it shall be to collect or account for the same, and shall make default therein, as the county rates have been usually, or may by an act made in the twelfth year of the reign of his late Majesty, intituled, *An act for the easy assessing, collecting, and levying of county rates*, or by any other act or acts of parliament, be assessed, collected, received, levied, paid, and accounted for, within the said county.

county rates by act 12 Geo. II.

XXIV. *And whereas, in pursuance of the several acts of parliament for raising the militia of* Great Britain, *the governor of the isle of* Wight *did duly appoint deputy-lieutenants, for putting the same into execution within the same island: and whereas in the year one thousand seven hundred and seventy, a majority of officers were also appointed, and many other steps were taken for raising the militia of the said island: and whereas in* January *last the militia-men of the said island were sworn in and inrolled, notwithstanding which the said militia was not so complete as to enable the governor of the said island to certify to the clerk of the peace, at the general quarter-sessions of the peace for the county of* Southampton, *held next after the twenty-fifth day of* December, *in the year one thousand seven hundred and seventy, so that such certificate might be filed amongst the records of such sessions, as by the said act of his present Majesty is directed and required: and whereas by such certificate not being filed in due time, the landholders of the said island may be liable to pay five pounds* per *man for every private militia-man directed to be raised within the said island: and whereas the militia of the said island is now complete as prescribed by the said acts, and is now ready to be called out, trained, and exercised*; be it enacted by the authority aforesaid, That the landholders of the said island shall be, and they are hereby indemnified from the said payment of five pounds *per* man, which may have been incurred by the militia of the said island not having been so completely raised, trained, and exercised, as to have enabled the governor of the same to have sent the certificate above required, to be filed in due time at the general quarter-sessions of the peace for the county of *Southampton*, held next after the twenty-fifth day of *December*, in the year one thousand seven hundred and seventy; and nothing in the said act of the ninth of his present Majesty, or in any other act made for raising and training the militia in that part of *Great Britain* called *England*, shall extend, or be construed to extend, to subject the said landholders of the said island to the payment of the said five pounds *per* man, which may have been incurred by the certificate as above required not being in due time filed at the general quarter-sessions.

Landholders of the Isle of Wight indemnified from the payment of 5 l. *per* man.

XXV. *And whereas it is proper that officers should be appointed to such companies of the militia of any county, riding, or place, as are raised in those districts near which such officers do respectively reside*, be it hereby enacted, That when the command of companies, or other commissions, do become vacant by resignation, or otherwise,

Commissions becoming vacant, lieutenant to make distribution as he shall judge proper.

therwiſe, the Lieutenant of ſuch county, riding, or place, ſhall make ſuch a diſtribution of officers to the reſpective companies as he ſhall judge moſt fit and proper as aforeſaid.

Militia-men inrolled in different hundreds, &c. from that in which they were bound to ſerve, conſidered as legal inrolments.

XXVI. *And whereas doubts have been conceived whether any militia-man who hath been inrolled in a different hundred, rape, wapentake, diviſion, or place, of the ſame county from that in which he is bound to ſerve for himſelf, or as a ſubſtitute, could be compelled to ſerve as ſuch within the proviſions of the acts now in force for raiſing the militia of this kingdom*; be it hereby declared and enacted, That ſuch inrolment is a legal and valid inrolment; and that every man who hath taken the oath required, and ſubſcribed the county roll in the preſence of one deputy-lieutenant of the ſame county, and the clerk of the general meetings, or his deputy, ſhall be deemed a militia-man to all intents and purpoſes whatſoever, as if three or more deputy-lieutenants had been actually preſent at ſuch inrolment.

CAP. XXXIII.

An act for paving, repairing, cleanſing, lighting, and watching the ſtreets, ſquares, lanes, and other paſſages within the pariſh of Saint John, Clerkenwell, in the county of Middleſex, and for removing obſtructions and annoyances therein.

CAP. XXXIV.

An act for enabling certain perſons to incloſe and embank part of the river Thames, *adjoining to* Durham Yard, Saliſbury Street, Cecil Street, *and* Beaufort Buildings, *in the county of* Middleſex.

Preamble.

WHEREAS *the courſe of the river* Thames *forms a large bend or angle round the* Surrey *ſhore, between* Weſtminſter Bridge *and the* New Bridge *at* Black Friars, *in the middle of which bend the ſaid river is much wider than at either of the ſaid bridges, which tends to weaken the rapidity of the ſtream, and thereby contributes to an accumulation of mud and ſilth on the* Weſtminſter *ſide, and to a very extenſive ſand bank, on the other ſide; and whereas the navigation of the ſaid river is greatly impeded by the ſaid ſand bank, eſpecially at low water, and the mud and ſilth ſo collected on the north ſhore renders the acceſs to the wharfs and grounds on that ſide very difficult, and in ſome parts of the tide impoſſible, to the manifeſt injury of the publick, as well as private detriment to the proprietors of the ſaid wharfs and grounds: and whereas the ſaid navigation might be greatly improved, and the ſaid nuiſances and inconveniences conſiderably diminiſhed by an embankment on the north part of the ſaid river, within the bay or hollow of the ſaid bend, which, by advancing the unequal and irregular fronts of the ſaid wharfs and grounds into an uniform line, would give a proper direction to the ſtream, and, by narrowing the unneceſſary width of the bed of the ſaid river in this part, would conſiderably deepen the channel thereof: and whereas* John Adam, Robert Adam, James Adam, *and* William Adam, *and* James Paine, *Architects*, Dorothy Monk *widow*, Clementina Pawſon *widow*, *and* William Kitchiner *coal merchant*, *having very*

very valuable freehold and leaſehold intereſts in the houſes, wharfs, and grounds in Durham Yard, Saliſbury Street, Cecil ſtreet, *and* Beaufort Buildings, *next adjoining to the ſaid river, are willing to execute ſuch embankment in the front of their reſpective properties at their own expence: but ſuch embankment cannot be lawfully and effectually made without the authority of parliament; may it therefore pleaſe your Majeſty, upon the humble petition of the ſaid* John Adam, Robert Adam, James Adam, *and* William Adam, James Paine, Dorothy Monk, Clementina Pawſon, *and* William Kitchiner, *that it may be enacted*; and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the ſaid *John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon*, and *William Kitchiner*, their reſpective heirs, executors, adminiſtrators, or aſſigns, at their own proper coſts and charges, to incloſe and embank ſo much of the ground and ſoil of the ſaid river, as lies on the north ſide thereof, in the front of their reſpective houſes, wharfs, and grounds in *Durham Yard, Saliſbury Street, Cecil Street*, and *Beaufort Buildings*, aforeſaid, ſo as the wall of ſuch embankment next the ſaid river do run in a line nearly parallel with, and not exceeding the diſtance of eighty feet from the terras lately begun, and now nearly completed in the front, and intended to conſtitute a part of certain buildings at or near *Durham Yard* aforeſaid, called *The Adelphi*, from a point in the ſaid river, over-againſt the ſouth eaſt corner of the ſaid terras, to another point in the ſame river, over-againſt the ſouth weſt corner of the ſame terras; and from thence with a convex-circular ſweep, from the ſaid laſt-mentioned point, to the ſouth eaſt corner of the terras belonging to *York Buildings*, and ſo as the ſaid wall next the ſaid river do run in a ſtrait line, from the ſaid firſt-mentioned point, to a point in the ſaid river over-againſt and in a line with, and not exceeding the diſtance of ſixty feet from the eaſt boundary of the ground and buildings of the ſaid *William Kitchiner*; and from the ſaid laſt-mentioned point, with a convex circular ſweep, to the ſouth-weſt corner of the projecting wall of the buildings commonly called *The Savoy*; the foundations of the ſaid front wall to be made with ſuch ſet-off towards the ſaid river, and the ſaid wall to be guarded with ſuch piles, and other defences, as ſhall be thought requiſite or expedient for ſecuring the ſtability and duration thereof.

Ground of the river ſo to be embanked in the front of each houſe, to be veſted in the owner.

II. And be it further enacted by the authority aforeſaid, That the ground and ſoil of the ſaid river ſo to be incloſed and embanked in the front of ſuch reſpective houſe, wharf, or piece of ground, ſhall veſt, and the ſame is hereby veſted in the owner or owners, proprietor or proprietors of ſuch adjoining houſe, wharf, or ground reſpectively, according to his, her, or their reſpective eſtates, truſts, or intereſts therein.

No ſheds, &c. to be erected

III. Provided always, That no ſhed or ſheds, building or build-

on the ground to be embanked.

buildings, of any kind whatſoever, higher than twenty feet above the level of high water mark (except as herein after is mentioned) ſhall at any time or times hereafter be erected or built upon any part of the ſaid ground and ſoil, ſo to be incloſed and imbanked; nor ſhall the ſame contain any fire-place, chimney, or funnel, for the conveyance of ſmoke, which ſhall vent itſelf above the top of any ſuch ſhed or building; nor ſhall any coals, timber, planks, or other goods, wares, or merchandiſes, be piled up upon any part of the ſaid ground and ſoil higher than thirty feet above the level of high water mark, upon pain that every ſhed or building, fire-place, chimney, or funnel, which ſhall be erected or built, and all coals, timber, planks, goods, wares, and merchandiſes, which ſhall be piled up upon any part of the ſaid premiſes, contrary to the true intent and meaning hereof, ſhall be deemed, conſtrued, and taken to be a publick nuiſance, and may be proceeded againſt and redreſſed as a publick nuiſance; and all and every perſon and perſons guilty thereof, ſhall and may be proſecuted or indicted accordingly; any thing herein before contained to the contrary thereof in anywiſe notwithſtanding.

Terras at Durham Yard, may be extended to the Savoy.

IV. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid owner or owners, proprietor or proprietors of ſuch reſpective houſes, wharfs, and grounds, to build or erect upon the ſaid ground, ſo to be incloſed and embanked as aforeſaid, ſuch buildings as ſhall be neceſſary for completing the ſaid terras and buildings called *The Adelphi*, according to the preſent plan or deſign thereof; and alſo ſuch buildings as ſhall be neceſſary for continuing ſuch terras eaſtward from *The Adelphi*, to the ſouth-weſt corner of the buildings commonly called *The Savoy*; any thing herein before contained to the contrary notwithſtanding.

Rights of the citizens of London, to be tried at Law.

V. *And whereas the mayor and commonalty and citizens of the city of* London, *claim a right to the ſoil of the river* Thames, *ſo propoſed to be incloſed and embanked as aforeſaid, and on that account inſiſt, that the ſaid* John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, *and* William Kitchiner, *ought to make ſatisfaction to them the ſaid mayor and commonalty, and citizens of* London, *for the liberty of embanking as aforeſaid: and whereas it is juſt and and reaſonable, that the ſaid mayor and commonalty, and citizens of* London, *ſhould be at liberty to try the ſaid right at law*; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid mayor and commonalty, and citizens, to proceed to a trial of the ſaid claim before the chief juſtice, or any other of the judges of his Majeſty's court of *King's Bench*, or court of *Common Pleas*, at the ſittings of *Niſi Prius*, in the ſaid county of *Middleſex*, in or after *Michaelmas* term now next enſuing, in a feigned action for that purpoſe, to be commenced in his Majeſty's ſaid court of *King's Bench*, or court of *Common Pleas*, on or before the firſt day of *Trinity* term now next enſuing, wherein the ſaid mayor and commonalty, and citizens, ſhall be plaintiffs, and the ſaid *John Adam*,

Adam, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawſon*, and *William Kitchiner*, defendants, upon one or more iſſue or iſſues, to be ſettled by the court in which the ſaid action ſhall be commenced, if the parties ſhall differ in the ſettling thereof; which iſſue or iſſues to be tried by a ſpecial jury of freeholders of the ſaid county of *Middleſex*, whoſe verdict thereupon, if the ſame ſhall be ſatisfactory to the court where the cauſe is tried, ſhall be final and concluſive to all the ſaid parties; and in caſe a verdict ſhall be found for the ſaid mayor and commonalty, and citizens, as to the ſaid right, the ſaid jury ſhall, upon their oaths enquire, as well what damages have been, or will be ſuſtained by, and what recompence and ſatisfaction ought to be made to the ſaid mayor and commonalty, and citizens of *London*, for ſo much of the ſoil of the ſaid river *Thames* as ſhall be taken away for the purpoſe of imbanking as aforeſaid, as well as the reſpective parts and proportions of ſuch damages and ſatisfaction which ought to be paid by the ſaid *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawſon*, and *William Kitchiner*, according to their ſeveral and reſpective intereſts in the ſoil of the ſaid river ſo to be imbanked, and to indorſe the ſame upon the *Poſtea*; and for the better aſcertaining ſuch damages, and the ſaid proportions thereof as aforeſaid, the court in which the ſaid action ſhall be commenced, ſhall, upon the application of either of the parties, cauſe the ſaid jury to view the places in queſtion; to which ſaid jury, as well the ſaid mayor and commonalty, and citizens, as the ſaid *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawſon*, and *William Kitchiner*, or any of them, and all others intereſted, ſhall have their lawful challenges; and the ſaid court where the ſaid action ſhall be tried, ſhall, upon the verdict of the ſaid jury, in ſuch feigned action, give judgement thereon according to law; which judgement ſhall be recorded by the ſaid court, and ſhall finally bind and be concluſive to the ſaid mayor and commonalty, and citizens of *London*, and alſo to the ſaid *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawſon*, and *William Kitchiner* and all others intereſted in the ſaid imbankment.

Right of the dean and chapter of Weſtminſter may be tried.

VI. *And whereas the dean and chapter of the collegiate church of* Saint Peter *in* Weſtminſter, *do alſo claim a right to the ſoil of the ſaid river* Thames, *within the liberty of the ſaid city of* Weſtminſter, *and on that account inſiſt, that the ſaid* John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, *and* William Kitchiner, *ought to make ſatisfaction to the ſaid dean and chapter for the liberty of imbanking as aforeſaid: and whereas it is juſt and reaſonable that the ſaid dean and chapter ſhould be at liberty to try the ſaid right at law*; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid dean and chapter to proceed to a trial of the ſaid right before the chief juſtice, or any other of the judges of his Ma-

Majeſty's court of *King's Bench*, or court of *Common Pleas*, at the ſittings of *Niſi Prius*, in the ſaid county of *Middleſex*, in or after *Michaelmas* term now next enſuing, in a feigned action for that purpoſe, to be commenced in his Majeſty's ſaid court of *King's Bench*, or court of *Common Pleas*, on or before the firſt day of *Trinity* term now next enſuing, wherein the ſaid dean and chapter ſhall be plaintiffs, and the ſaid *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawſon*, and *William Kitchiner*, defendants, upon one or more iſſue or iſſues, to be ſettled by the court in which the ſaid action ſhall be commenced: if the parties ſhall differ in the ſettling thereof, ſuch iſſue or iſſues to be tried by a ſpecial jury of freeholders of the ſaid county of *Middleſex*, whoſe verdict thereupon, if the ſame ſhall be ſatisfactory to the court where the cauſe is tried, ſhall be final and concluſive to all the ſaid parties: and in caſe a verdict ſhall be found for the ſaid dean and chapter as to the ſaid right, the ſaid jury ſhall, upon their oaths, enquire, as well what damages have been or will be ſuſtained by, and what recompence and ſatisfaction ought to be made to the ſaid dean and chapter for ſo much of the ſoil of the ſaid river *Thames* as ſhall be taken away for the purpoſe of imbanking as aforeſaid, as well as the reſpective parts and proportions of ſuch damages and ſatisfaction which ought to be paid by the ſaid *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawſon*, and *William Kitchiner*, according to their ſeveral and reſpective intereſts in the ſoil of the ſaid river ſo to be imbanked, and to indorſe the ſame upon the *Poſtea*: and for the better aſcertaining ſuch damages, and the ſaid proportions thereof as aforeſaid, the court in which the ſaid action ſhall be commenced ſhall, upon the application of either of the parties, cauſe the ſaid jury to view the places in queſtion; to which ſaid jury, as well the ſaid dean and chapter as the ſaid *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawſon*, and *William Kitchiner*, or any of them, and all others intereſted, ſhall have their lawful challenges: and the ſaid court where the ſaid action ſhall be tried ſhall, upon the verdict of the ſaid jury in ſuch feigned action, give judgement thereon according to law; which judgement ſhall be recorded by the ſaid court, and ſhall finally bind and be concluſive to the ſaid dean and chapter, and alſo to the ſaid *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawſon*, and *William Kitchiner*, and all others intereſted in the ſaid imbankment.

Publick act.

VII. And be it further enacted by the authority aforeſaid, That this act ſhall be allowed in all courts whatſoever as a publick act; and all judges, juſtices, or other perſons, are hereby required to take notice thereof as ſuch, without ſpecially pleading the ſame.

CAP.

CAP. XXXV.

An act for reducing into one act of parliament the several laws relating to the keeping and carriage of gunpowder, and for more effectually preventing mischiefs by keeping or carrying gunpowder in too great quantities.

Preamble.

WHEREAS *the several acts which regulate the keeping and carriage of gunpowder within* England *are defective, and require amendment, and the reducing them into one law would facilitate their execution: and whereas there is, at present, no provision for regulating of the keeping and carriage of gunpowder in* Scotland: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons shall have or keep, at any one time, being a dealer or dealers in gunpowder, more than two hundred pounds of gunpowder, and not being such, more than fifty pounds of gunpowder, in any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other building or place, occupied by the same person or persons, (all buildings and places adjoining to each other, and occupied together, being to be deemed one house or place within this act) or on any river or other water, except in carriages loading or unloading, or passing on the land, or in ships, boats, or vessels loading or unloading, or passing on any river or other water, or detained there by the tide or bad weather, within the following limits; that is to say, within the cities of *London* or *Westminster*, or within three miles of either of them; or within any city, borough, or market town of *Great Britain*, or within one mile of the same; or within two miles of any palace or house of residence of his present Majesty, his heirs or successors, or of her present majesty the Queen, or any Queen consort or dowager; or within one mile of any gunpowder magazine belonging to his Majesty, his heirs or successors; or within half a mile of any parish church; or in any other part of *Great Britain*, (except in places where it shall be lawful to keep unlimited quantities of gunpowder by force of the provisions herein-after contained) on pain of forfeiting all the gunpowder in specie beyond the quantity hereby allowed to be kept, and the barrels in which such gunpowder shall be, and also one shilling for every pound of gunpowder beyond such allowed quantity.

No person shall convey more than 2000 l. wt. of gunpowder by land, or 5000 lb. wt. by water, &c.

II. *And, in order to provide for the safe carriage of gunpowder*, be it further enacted, That no person or persons shall have or convey, at any one time, within *Great Britain*, more than two thousand pounds of gunpowder in any waggon, cart, or other carriage, by land, or more than five thousand pounds of gunpowder in any barge, boat, or other vessel, by water (except in vessels with gunpowder on board, imported from or to be exported to any place beyond sea); and all gunpowder conveyed on

on land or water (except in ſuch veſſels for importation or exportation of gunpowder, as aforeſaid) ſhall be in barrels cloſe joined and hooped, without any iron about them, and ſo ſecured that no part of the gunpowder be ſcattered in the paſſage, and each barrel ſhall contain no more than one hundred pounds of gunpowder; and, when conveyed by land, ſhall be entirely incloſed in a leather bag, or a bag commonly called a *ſalt petre bag*; and every carriage or veſſel (except ſuch veſſels as aforeſaid), in which gunpowder ſhall be conveyed by land or water, ſhall have a compleat covering of wood, painted-cloth, tarpaulin, or wadmill-tilts, over all that part of the carriage or veſſel in which the gunpowder barrels ſhall be placed, and all gunpowder which ſhall be carried or conveyed (except in ſuch veſſels for importation or exportation of gunpowder as aforeſaid) within any part of *Great Britain*, in greater quantity or in other manner than is herein before preſcribed; and the barrels in which ſuch gunpowder ſhall be, may be ſeized by any perſon or perſons, who ſhall have the ſame authority to remove ſuch gunpowder and barrels, and to uſe for that purpoſe, (during the ſpace of twenty-four hours after ſeizure) the carriage or veſſel in which ſuch gunpowder ſhall be ſeized, and the tackling, beaſts, and accoutrements belonging thereto, on the terms of paying a recompence for the uſe thereof, and to detain ſuch gunpowder and barrels as is herein after given to perſons ſearching under a warrant of a juſtice of the peace; and ſuch ſeizure ſhall be, for his, her, or their own uſe, on conviction of the offender or offenders.

Juſtices may grant warrants to ſearch for gunpowder in ſtore-houſes, &c. where ſuch is ſuſpected to be kept contrary to the act.

III. *And, for the more eaſy diſcovery of the keeping and carriage of gunpowder, contrary to the proviſions herein before made*; be it further enacted, That it ſhall be lawful for any juſtice of the peace of the county or other diviſion within *Great Britain*, in which gunpowder is ſuſpected to be kept or carried, contrary to this act, on demand made, and a reaſonable cauſe aſſigned, upon oath by any perſon or perſons, to iſſue a warrant or warrants under his hand and ſeal, for ſearching in the day-time any houſes, ſtorehouſes, warehouſes, ſhops, cellars, yards, wharfs, or other places, or any carriages, ſhips, boats, or other veſſels, in which ſuch gunpowder is ſuſpected to be kept or carried, contrary to this act; and that all gunpowder found upon ſuch ſearch, to be kept or carried contrary to this act, and alſo the gunpowder barrels, ſhall be immediately ſeized by the ſearcher or ſearchers, who ſhall, with all convenient ſpeed, after the ſeizure, remove ſuch gunpowder, and the barrels in which it ſhall be, to ſuch proper places as they, in conformity to the reſtrictions of this act, ſhall think moſt convenient; and in the caſe of any ſuch gunpowder ſeized in any carriage or veſſel, may uſe for the purpoſe of removal, during the ſpace of twenty-four hours after ſeizure, ſuch carriage or veſſel, with the tackling, beaſts, and accoutrements belonging thereto, paying afterwards to the owner or owners thereof, a ſufficient recompence for the uſe thereof, to be ſettled by the juſtices before whom the complaint

ſhall

ſhall be heard, after the ſeizure; and in caſe of nonpayment, immediately after ſettlement by ſuch juſtices, to be recoverable by diſtreſs and ſale of the parties, goods, and chattels, as is herein after directed, concerning the pecuniary penalties of this act, and may detain ſuch gunpowder, and the barrels in which it ſhall be, till it ſhall be adjudged whether the ſame ſhall be forfeited, and ſhall not be liable to any ſuit for ſuch detainer, or for any loſs of, or damage which may happen, to the ſaid gunpowder or barrels, other than by the wilful acts or neglect of them, or the perſons with whom they ſhall intruſt the keeping thereof.

Juſtices to cauſe notice of erecting magazines to be read.

IV. *And whereas it may be neceſſary to have ſome places appointed, in which it may be lawful to erect or make new mills for making, and magazines of ſtorehouſes for keeping, unlimited quantities of gunpowder:* be it therefore further enacted, That it ſhall be lawful for the juſtices of the peace for each county, or other diviſion within *Great Britain*, at their general quarter-ſeſſions of the peace, upon application made to them by any perſon or perſons (ſuch perſon or perſons having given notice in writing of the intention to make ſuch application, fourteen days before making it, to an overſeer or churchwarden of the pariſh or place in which it is propoſed to erect or make any ſuch new mill, magazine, or ſtorehouſe, or of an adjoining pariſh, if the place ſhall be extra-parochial, which overſeer or churchwarden is hereby required to cauſe ſuch notice to be publickly read on the *Sunday* next enſuing, in the pariſh church after divine ſervice), from time to time, to licence the erecting or making ſuch mills, magazines, or ſtorehouſes, for making or keeping unlimited quantities of gunpowder in ſuch places, not being within *London* or *Weſtminſter*, or any other limits within *Great Britain*, herein before particularly deſcribed, as to ſuch juſtices ſhall appear moſt proper for that purpoſe.

Proviſo.

V. Provided nevertheleſs, and be it further enacted, That no perſon ſhall be liable to any penalty or proſecution under this act, for keeping unlimited quantities of gunpowder, without ſuch licence of the juſtices, in any magazine or ſtorehouſe already built or uſed for that purpoſe, in any place not being within *London* and *Weſtminſter*, and the other limits within *Great Britain*, herein before particularly deſcribed, until the expiration of ſix calendar months after an adjudication by the juſtices of the peace, for the county or other diviſion, in which any ſuch magazine or ſtorehouſe ſhall be, at their general quarter-ſeſſions of the peace, that the ſame is dangerous (it being hereby declared they ſhall not have authority to make any ſuch adjudication, except on complaint made to them of any ſuch magazine or ſtorehouſe, by ſome houſeholder of the pariſh or place in which the magazine or ſtorehouſe ſhall be; and, after due ſummons of the owner or owners of the magazine or ſtorehouſe complained of, to anſwer ſuch complaint and examination, on oath of the witneſſes produced to ſupport or invalidate ſuch complaint), and alſo that no perſon ſhall be liable at any time to any penalty or proſecution whatſoever, for keeping unlimited quan-

quantities of gunpowder without ſuch licence of the juſtices of the peace, in any magazine or ſtorehouſe erected by appointment of the juſtices of the peace under the power given to them, by any of the former acts regulating the keeping and carriage of gunpowder.

Leſſees of magazines to make void agreements, giving three months notice.

VI. *And whereas leaſes, or agreements for leaſes, may have been made of magazines, ſtorehouſes, or other places for keeping gunpowder, and, in conſequence of this act, it may become unlawful to keep unlimited quantities of gunpowders in ſome of ſuch magazines, ſtorehouſes, or places*; be it therefore enacted, That in every ſuch caſe it ſhall and may be lawful for the leſſee or tenant of any ſuch magazine, ſtorehouſe, or place for keeping gunpowder, to make void any ſuch leaſe or agreement, upon giving three calendar months notice in writing to the leſſor or owner of ſuch magazine, ſtorehouſe, or place, of the deſire of the tenant to have ſuch leaſe or agreement determined; and upon paying to ſuch leſſor or owner, all rents and ſums of money which ſhall become due for the ſame, to the time of determination limited in ſuch notice, and upon performing all covenants and agreements on the part of the leſſee or tenant to that time.

No outward-bound veſſel to have above 25 lb. of gunpowder on board before ſhe reaches Blackwall.

nor have a greater quantity on returning.

VII. *And, for ſecurity of the great number of ſhips and veſſels lying in the river* Thames, *and of the dock yards, wharfs, and buildings, on the ſides of the* Thames *above* Blackwall; be it further enacted, That no maſter or commanders of any ſhip or other veſſel, lying in the *Thames*, and outward bound, ſhall receive or permit to be received, on board any ſuch ſhip or veſſel, more than twenty-five pounds of gunpowder (except for the King's ſervice) before arrival of ſuch ſhip or veſſel at, over-againſt, or below *Blackwall*; and that the maſter or commander of every ſhip or veſſel coming into the river *Thames*, ſhall (except in the caſe of gunpowder for the King's ſervice) put on ſhore in proper places, in conformity to the reſtrictions of this act, all the gunpowder on board ſuch ſhip or veſſel, above the quantity of twenty-five pounds, either before the arrival of ſuch ſhip or veſſel at *Blackwall*, or within twenty-four hours (if the weather ſhall permit) after coming to an anchor there, or to the place of unloading there, and ſhall not afterwards have on board more than twenty-five pounds of gunpowder, (except for the King's ſervice) on pain of forfeiting, for every offence in any of the ſaid caſes, all the gunpowder found on board above the weight of twenty-five pounds, and the barrels in which ſuch gunpowder ſhall be, and alſo one ſhilling for every pound of gunpowder above the quantity of twenty-five pounds.

Searchers for unlawful quantities of powder to be appointed.

VIII. *And, for the better diſcovery of maſters or commanders of inward or outward bound ſhips, who ſhall have gunpowder in their ſhips or veſſels in the* Thames, *contrary to this act*, be it further enacted, That the maſter, warden, and aſſiſtants of the corporation of the *Trinity Houſe* of *Deptford Stroud*, in the county of *Kent*, for the time being, ſhall, from time to time, appoint one or more perſon or perſons, a ſearcher or ſearchers, for unlawful quantities of gunpowder in ſhips or other veſſels in the *Thames*; which

which perſon or perſons, ſo appointed, are hereby authoriſed, at any time between ſun-riſing and ſun-ſetting, to enter any ſhip or veſſel (except his Majeſty's ſhips) in the river *Thames* above *Blackwall*, and to ſearch the ſame for unlawful quantities of gunpowder; and alſo ſhall have the ſame powers of ſeizing, removing to proper places, and detaining all ſuch unlawful quantities of gunpowder found on board any ſuch ſhip or veſſel, and the barrels in which ſuch gunpowder ſhall be, as are herein before given to perſons ſearching for unlawful quantities of gunpowder under a warrant of a juſtice of peace.

Penalties recoverable before juſtices for the county where offences are committed.

IX. And be it further enacted, That all penalties created by this act ſhall be recoverable before two or more juſtices of the peace for the county or other diviſion in which the offence ſhall be committed, on proof of the offence by the oath or oaths of one or more credible witneſs or witneſſes, or on confeſſion of the offender, and ſhall belong to the informer or informers proſecuting for the ſame; and where the penalty ſhall be pecuniary in caſe of nonpayment, it ſhall be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant under the hands and ſeals of ſuch juſtices; and the overplus of the money raiſed, after deducting the penalty and the expences of the diſtreſs and ſale, ſhall be rendered to the owner; and for want of ſufficient diſtreſs the offender ſhall be ſent by ſuch juſtices to the houſe of correction, there to be kept to hard labour for any time not exceeding three months, nor leſs than one month, as ſuch juſtices ſhall think moſt proper.

No perſon liable to proſecution for offences, unleſs commenced within 14 days after ſeizure.

X. And be it further enacted, That no perſon ſhall be liable to any proſecution for any offence againſt this act, unleſs ſuch proſecution ſhall be commenced within fourteen days after ſeizure of the gunpowder, or commiſſion of the offence where there ſhall not be any ſeizure; and that if any ſuit or action ſhall be proſecuted in *England* againſt any perſon or perſons for any thing done in purſuance of this act, ſuch perſon or perſons may plead the general iſſue, and give this act or the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done by authority of this act; and if a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their action or actions after iſſue joined; and if, on demurrer, or otherwiſe judgement ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants ſhall recover treble coſts, and have the like remedy for the ſame as any defendants have by law in other caſes.

General iſſue.

Treble coſts.

Actions to be tried in the county where offences are committed.

XI. And be it further enacted, That all actions, ſuits, and proſecutions, to be commenced in *England* againſt any perſon or perſons for any thing to be done in purſuance of this act, ſhall be laid and tried in the county or place where the fact was committed, and ſhall be commenced within ſix calendar months after the fact committed, and not otherwiſe.

Not to extend to ſtore-houſes, &c.

XII. Provided always, and be it further enacted, That this act ſhall not extend to any ſtorehouſe-mill or magazine belonging

belonging to his Majeſty.

ing to his Majeſty, his heirs or ſucceſſors, wherein gunpowder, or other ſtores, ſhall be kept; or to hinder the trial of gunpowder by his Majeſty's officers, as is uſual for the ſervice of his Majeſty, his heirs or ſucceſſors; or to any mill belonging to private perſons already built, and uſed for making gunpowder; or to any ſtorehouſes, magazines, or other offices, near or adjoining to ſuch mills; or to the magazines now erected for keeping gunpowder at *Barking Creek's Mouth*, in the county of *Eſſex*, and *Erith Level*, in the county of *Kent*; or to the magazines or ſtorehouſes now erected near *Liverpoole*, in the county of *Lancaſter*, or the city of *Briſtol*; or to the carriage of gunpowder to or from the King's magazines under an order of the King's board of ordnance, or with forces on their march.

This act to commence on Aug. 1, 1771.

XIII. And be it further enacted, That this act ſhall begin to have force on the firſt day of *Auguſt*, one thouſand ſeven hundred and ſeventy-one; and that from and immediately after the commencement thereof, an act made in the fifth year of his late majeſty King *George* the Firſt, intituled, *An act for preventing the miſchiefs which may happen by keeping too great quantities of gunpowder in or near the cities of* London *and* Weſtminſter, *or the ſuburbs thereof*; and alſo an act made in the eleventh year of his ſaid late majeſty King *George* the Firſt, intituled, *An act for making more effectual an act paſſed in the fifth year of his Majeſty's reign, intituled*, An act for preventing the miſchiefs which may happen by keeping too great quantities of gunpowder in or near the cities of *London* and *Weſtminſter*, or the ſuburbs thereof; and alſo ſo much of an act made in the fifth year of his late majeſty King *George* the Second, intituled, *An act for the better regulation and government of pilots licenſed by the corporation of* Trinity Houſe *of* Deptford Stroud, *in the county of* Kent; *and to prevent miſchiefs and annoyances upon the river of* Thames *below* London Bridge, as relates to the having and ſearching for gunpowder on board ſhips or veſſels in the *Thames* at or below *Blackwall*; and alſo an act made in the fifteenth year of his late majeſty King *George* the Second, intituled, *An act for preventing the miſchiefs which may happen by keeping dangerous quantities of gunpowder in or near the cities of* London *and* Weſtminſter; and alſo an act made in the twenty-ſecond year of his ſaid late majeſty King *George* the Second, intituled, *An act to prevent the miſchiefs which may happen by keeping too great quantities of gunpowder in any one place, or carrying too great quantities of gunpowder together from one place to another*, ſhall be, and the ſame are hereby repealed.

Act 5 Geo. 1.

Act 11 Geo. 1.

Clauſe in act 5 Geo. 2.

Act 15 Geo. 2.

and act 22. Geo. 2.

are hereby repealed.

CAP. XXXVI.

An act for cleanſing, lighting, and watching the ſeveral ſtreets, and other paſſages, on the ſouth ſide of the city of Edinburgh, and for removing nuiſances and annoyances therefrom, and preventing the ſame for the future.

CAP.

CAP. XXXVII.

An act to prohibit the exportation of live cattle, and other fleſh proviſions, from Great Britain, *for a limited time.*

Preamble.

WHEREAS *it has been found expedient to permit the free importation of live cattle, and other proviſions into this kingdom for a limited time, and the benefit thereby intended will be entirely fruſtrated if the exportation of ſuch cattle and proviſions from this kingdom into foreign parts is not reſtrained*; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the paſſing of this act, no perſon or perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from the kingdom of *Great Britain*, or load or lay on board, or cauſe or procure to be laden or laid on board, in any ſhip or other veſſel or boat, in order to be exported or carried out of the ſaid kingdom of *Great Britain*, any live ox, bull, cow, ſteer, heifer, calf, hog, or ſow, or any beef, mutton, pork, hog-meat, or any fleſh proviſion, either freſh or ſalted, under the penalties and forfeitures herein after mentioned; (that is to ſay), That all the ſaid commodities that ſhall be ſo exported, ſhipped, or laid on board, or loaded to be exported, ſhipped, or carried out, contrary to this act, ſhall be forfeited; and that every offender or offenders therein ſhall forfeit the ſum of fifty pounds for each and every ox, bull, cow, ſteer, heifer, calf, hog, or ſow; and five ſhillings for every pound weight averdupoize of beef, mutton, pork, hog meat, or other fleſh proviſion, whether freſh or ſalted, and ſo in proportion for any greater quantity which ſhall be ſo exported, ſhipped, or put on board to be exported; and one moiety of all the ſaid penalties and forfeitures ſhall be to the King's majeſty, his heirs and ſucceſſors, and the other moiety to him or them that will ſue for the ſame: and for offences which ſhall be committed in that part of *Great Britain* called *England*, ſuch penalties and forfeitures ſhall be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or before the juſtices of aſſize, or at the great ſeſſions in *Wales*, or by information at any general quarter-ſeſſions of the peace for the county, city, riding, diviſion, or place, where the offence ſhall be committed; and in ſuch ſuit no eſſoin, protection, privilege, or wager of law, ſhall be allowed; and for offences which ſhall be committed in that part of *Great Britain* called *Scotland*, by action of ſummary bill, or information, in the courts of ſeſſion or exchequer in *Scotland*: and that the maſter and mariners of any ſuch ſhip, boat, or veſſel, wherein any ſuch offence ſhall be committed, knowing ſuch offence, and wittingly and wilfully aiding and aſſiſting thereunto, and being thereof duly convicted in any ſuch courts as aforeſaid, ſhall be impriſoned for the ſpace of three months, without bail or mainprize.

From the paſſing hereof, no perſon ſhall tranſport from Britain, any live ox, bull, cow, ſteer, heifer, calf, hog, or ſow;

or any beef, mutton, pork, hog-meat, or fleſh proviſion.

Offenders ſhall forfeit 50 l. for every ſuch ox, bull, cow, &c.

II. And

Officers of the cuſtoms to ſeize ſuch commodities not allowed to be tranſported.

II. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, being an officer or officers of the cuſtoms, or being lawfully authoriſed in this behalf by the lord high treaſurer of *Great Britain*, or the commiſſioners of the treaſury for the time being, or any three or more of them, to take and ſeize all ſuch of the ſaid commodities, not allowed to be exported by this act, as he or they ſhall hapen to find, know, or diſcover, to be laid on board any ſhip or other veſſel or boat at ſea, or in any port, or in any navigable river or water, to the intent or purpoſe to be exported, tranſported, or conveyed, out of *Great Britain* or *Ireland*, contrary to the true intent of this act, and to bring the ſaid goods to the king's warehouſe or warehouſes belonging to the cuſtom-houſe next to the place where ſuch ſeizures ſhall be made, or to ſome other ſafe place (where there are no ſuch warehouſes), in order to be proceeded againſt according to law; and, in caſe of recovery, to be divided in manner as aforeſaid.

Nothing herein contained ſhall extend to prohibit the exportation of commodities neceſſary to be carried in ſhips of war, &c.

III. Provided always, That this act, or any thing herein contained, ſhall not extend to prohibit the exportation of ſuch or ſo much of the ſaid commodities as ſhall be neceſſary to be carried in any ſhip or ſhips, or other veſſel or veſſels, in their reſpective voyages, for the ſuſtenance, diet, and ſupport of the commanders, maſters, mariners, paſſengers, or others, in the ſame ſhips or veſſels only, or for the victualling or providing any of his Majeſty's ſhips of war, or other ſhips or veſſels in his Majeſty's ſervice, or for his Majeſty's forces, forts, or garriſons; any thing herein contained to the contrary notwithſtanding.

nor to any creek, port, &c. in Britain and Ireland;

IV. Provided alſo, That this act, or any thing herein contained, ſhall not extend to prohibit any perſon or perſons to ſhip or put on board any of the commodities aforeſaid to be carried coaſtwiſe; (that is to ſay) from any port, creek, or member of the kingdoms of *Great Britain* or *Ireland*, to any other port, creek, or member of the ſame reſpectively, having ſuch or the like coaſt cocquet, or ſufferance for that purpoſe; and ſuch or the like ſufficient ſecurity being firſt given for the landing and diſcharging of the ſame, in ſome other port, member, or creek, of the ſaid kingdoms, and returning a certificate in ſix months, as is required by law, in caſes where goods which are liable to pay duties on exportation are carried coaſtwiſe from one port of *Great Britain* to another, and not otherwiſe.

nor to extend to commodities to be exported to Gibraltar, Minorca, or to America.

V. Provided alſo, That this act, or any thing herein contained, ſhall not extend to any of the ſaid commodities which ſhall be exported, or ſhipped to be exported out of or from *Great Britain* to *Gibraltar* or *Minorca*, or unto any of his Majeſty's iſlands or colonies in *America*, that have uſually been ſupplied with any of the ſaid commodities from *Great Britain*, for the ſuſtentation of the inhabitants of the ſaid iſlands, colonies, or dominions, or for the benefit of the *Britiſh* fiſhery in thoſe parts only, ſo as the exporter do before the ſhipping or laying on board the ſame, declare the iſlands, colonies, or dominions, for which the ſaid commodities are reſpectively deſigned, and do become bound with

with other ſufficient ſecurity in treble the value thereof, to the commiſſioners or chief officer or officers of his Majeſty's cuſtoms belonging to the port or place where the ſame ſhall be ſhipped or put on board, (who hath or have hereby power to take ſuch ſecurity in his Majeſty's name, and to his Majeſty's uſe) that ſuch commodities ſhall not be landed or ſold in any parts whatſoever, other than the kingdoms, dominions, iſlands, or colonies, for which the ſame ſhall be ſo declared; and that a certificate, under the hand and ſeal of the collector, comptroller, or other chief officer of the cuſtoms, or if no ſuch, of the naval officer, or ſome other principal officer of the port where the ſame ſhall be landed, ſhall, within the reſpectives times hereinafter for that purpoſe mentioned (the danger of the ſeas excepted) be returned to the officers who took the ſaid bonds, that the ſaid commodities have been landed at the port or place for which the ſame ſhall be ſo declared; and for the taking ſuch ſecurity, and for giving ſuch certificates (which the reſpective officers aforeſaid are hereby on demand required to give) no fee or reward ſhall be demanded or received; and if any officer ſhall make any falſe certificate of ſuch commodities being ſo landed, ſuch officer ſhall forfeit the ſum of two hundred pounds, and loſe his employment, and be incapable of ſerving his Majeſty, his heirs or ſucceſſors, in any office relating to the cuſtoms: and if any perſon ſhall counterfeit, raſe, or falſify, any ſuch certificate, or knowingly publiſh any ſuch counterfeit, raſed, or falſe certificate, he ſhall forfeit the ſum of two hundred pounds, and ſuch certificate ſhall be void and of no effect: which ſaid penalties for offences committed in *Great Britain*, ſhall be recovered in the ſame courts, and in the ſame manner as the other penalties inflicted by this act are recoverable; and for offences committed in the colonies or plantations in *America*, or other the dominions belonging to the crown of *Great Britain* in *Europe*, ſhall be recovered in the high court of admiralty, or in any chief court of civil or criminal juriſdiction, in ſuch reſpective colonies, plantations, or dominions, and ſhall be divided into equal moieties between his Majeſty and the informer; and the ſaid bond or bonds, if not proſecuted within three years, ſhall be void.

Officers making falſe certificates, to forfeit 200 l.

Perſons falſifying certificates ſhall forfeit 200 l.

VI. Provided alſo, That nothing herein contained ſhall extend to prohibit the united company of merchants of *England* trading to the *Eaſt Indies* from exporting any of the ſaid commodities to any of their forts, factories, or ſettlements, for the ſupport of the perſons reſiding there, ſo as the like ſecurity be given for the exporting thereof, as is required by this act to be given by perſons carrying any of the ſaid commodities to the *Britiſh* colonies in *America*.

Proviſo.

VII And be it further enacted by the authority aforeſaid, That the commiſſioners of the cuſtoms for the time being ſhall, and they are hereby required to give a full and true account, in writing, to both houſes of parliament, at the beginning of the next ſeſſion thereof, of all cattle and other proviſions that ſhall

Commiſſioners to give account to parliament next ſeſſion, of cattle, &c. exported.

ſhall before that time be exported to any place whatſoever by virtue or in purſuance of any of the liberties or powers hereby given or granted for that purpoſe.

How certificates of landing commodities to be returned.

VIII. And be it further enacted by the authority aforeſaid, That all certificates of the landing and diſcharging of the ſaid commodities to be exported, other than coaſtwiſe, ſhall be returned within the reſpective times following; (that is to ſay,) where the bonds are taken in reſpect of any of the ſaid commodities to be exported from *Great Britain* to any of the ſaid colonies or plantations in *America*, within eighteen calendar months after the date of ſuch bonds; and where to *Gibraltar* or *Minorca*, within twelve calendar months after the date of ſuch bonds; and where from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, within ſix calendar months after the date of ſuch bonds reſpectively.

Proviſo.

IX. Provided always, and be it enacted by the authority aforeſaid, That no ſalted proviſions which ſhall be exported by virtue of this act ſhall be intitled to any of the bounties or drawbacks which are allowed and made payable on the exportation of ſuch commodities, or any of them.

Penalties and forfeitures, how to be recovered and applied.

X. And be it further enacted by the authority aforeſaid, That all penalties and forfeitures by this act impoſed, and for the recovery and application whereof no other proviſion is herein before made, ſhall be ſued for and recovered, by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record in *Weſtminſter*, or in the court of *Exchequer* in *Scotland*; and that the reſpective courts before whom the ſame ſhall be recovered, may, and are hereby authoriſed, if they ſhall think fit, to mitigate all or any of the pecuniary penalties herein before inflicted, to any ſum not leſs than one-fourth part of the ſum herein reſpectively mentioned; and that one moiety of all ſuch penalties and forfeitures, when recovered, ſhall be to the uſe of his Majeſty, his heirs and ſucceſſors, and the other moiety to him or them who ſhall ſue for the ſame, or give information of, or diſcover the offence.

Proviſo.

XI. Provided always, That all ſuits, proſecutions, or informations, for offences committed againſt this act, ſhall be commenced and made within the ſpace of ſix calendar months after the fact is committed, and not otherwiſe; any thing herein contained to the contrary notwithſtanding.

Limitation of actions.

XII. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, ſuch action or ſuit ſhall be commenced within the ſpace of four calendar months next after the offence ſhall be committed; and if ſuch action or ſuit ſhall be commenced or proſecuted in that part of *Great Britain*, called *England*, the defendant or defendants, in any ſuch action or ſuit, may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to have been done,

General iſſue.

done, the jury ſhall find for the defendant or defendants; and if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or if judgement ſhall be given upon any verdict or demurrer againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame as any defendant or defendants hath or have in other caſes by law; and if ſuch action or ſuit be commenced or proſecuted in that part of *Great Britain* called *Scotland*, the court before whom ſuch action or ſuit ſhall be brought ſhall allow the defender to plead this act in his defence; and if the purſuer ſhall not inſiſt on his action, or if judgement ſhall be given againſt ſuch purſuer, the defendant ſhall and may recover the full and real expences he may have been put to by any ſuch action or ſuit. Treble coſts.

XIII. And be it further enacted by the authority aforeſaid, That this act ſhall continue until the twentieth day after the commencement of the next ſeſſion of parliament. Commencement and continuance of this act.

CAP. XXXVIII.

An act for the better ſupport and eſtabliſhment of the Greenland *and whale fiſhery.*

WHEREAS *the free importation of fins, oil, and blubber of whales, and the oil-ſkins and other produce of ſeals, and other creatures, taken or caught in the* Greenland *ſeas, and* Davis's Streights, *and the bounties given by former acts of parliament for the encouragement of his Majeſty's ſubjects to carry on and improve the* Greenland *and whale fiſheries, have been found of great advantage to the navigation, trade, and manufactures of this kingdom, and further encouragements are neceſſary to ſupport and eſtabliſh the ſaid fiſheries*; may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for any perſon or perſons, for and during the ſpace of fifteen years, to be computed from the twenty-fifth day of *December*, one thouſand ſeven hundred and ſeventy-one, to import whale fins, oil, or blubber of whales, ſeal oil, ſeal ſkins or any other produce of ſeals, or other fiſh or creatures, taken or caught in the ſaid *Greenland* ſeas, or *Davis's Streights*, or in any parts of the ſeas adjoining or adjacent thereunto, in *Britiſh* ſhips, whereof the captain or maſter, and one third part at the leaſt of the mariners are *Britiſh* ſubjects, without paying any cuſtom, ſubſidy, or other duty for the ſame, during the ſaid term of fifteen years; any law, ſtatute, or uſage, to the contrary thereof notwithſtanding. Preamble. From Dec. 25 1771, perſons may import blubber, whale fins, &c. caught in the Greeenland ſeas, &c. in Britiſh ſhips; the captain and one third of the mariners to be Britiſh; without paying cuſtom, during fifteen years.

II. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to give liberty of importing any of the before-mentioned commodities duty-free, unleſs the captain, maſter, or other commanding officer, of the ſhip or veſſel importing the ſame, ſhall firſt make oath, before ſome or Captain to make oath that all fiſh ſo imported were caught in the

Greenland ſeas, &c.

one of the commiſſioners or principal officer of the cuſtoms in the port or ports of importation (who is and are hereby reſpectively authoriſed and required to adminiſter ſuch oath,) that all the whale fins, oil, or blubber of whales, ſeal oil, ſeal ſkins, or other produce of ſeals, or other fiſh or creatures, imported in ſuch ſhip or veſſel, was really and *bona fide* the fins, oil, or blubber of whales, or the ſkins, oil, or other produce of ſeals, or other fiſh or creatures, caught and taken in the ſaid *Greenland* ſeas, *Davis's Streights*, or other parts of the ſeas adjoining or adjacent thereunto, by the crews of ſuch ſhips and veſſels only, whereof the captain or maſter, and one third part, at the leaſt, of the mariners were *Britiſh* ſubjects.

After Dec. 15. 1771, bounties granted by former acts to ceaſe.

III. And be it further enacted by the authority aforeſaid, That from and after the twenty-fifth day of *December*, one thouſand ſeven hundred and ſeventy one, the former bounties granted by any act or acts of parliament for the encouragement of the ſaid *Greenland* or whale fiſhery, ſhall ceaſe, determine, and be no longer paid or allowed (except in ſuch caſes only where eſpecial proviſion is made for the ſame by this act,) and in lieu and inſtead thereof, the ſeveral reſpective bounties herein after mentioned, ſhall be paid and allowable under the ſeveral rules and reſtrictions herein after expreſſed and directed; (that is to ſay) every *Britiſh* ſhip or veſſel that ſhall, within the time limited by this act, proceed from any port of *Great Britain* on the whale fiſhery to the *Greenland* ſeas, or *Davis's Streights*, and the adjacent ſeas, manned and navigated as aforeſaid, ſhall, before ſhe proceed on ſuch voyage, or be intitled to the benefit of this act, be viſited by the proper officer or officers of the cuſtoms belonging to ſuch port, who ſhall examine into ſuch ſhip, or veſſel, and take an account of the tonnage thereof by admeaſurement, and ſhall certify ſuch his or their viſitation, examination, and admeaſurement, to the commiſſioners of his Majeſty's cuſtoms; and if it appear by the certificate of ſuch officer or officers, that ſhe hath on board ſuch a number of men, proviſions, boats, fiſhing-lines, and inſtruments to be uſed in ſuch fiſhery as herein after are mentioned, that ſhe is ſtrongly built, and otherwiſe a proper ſhip for ſuch voyage and fiſhery, and hath on board, among her crew, a ſufficient number of harpooners, ſteerſmen, and line-managers, who have before been employed in ſuch voyages (the names of ſuch perſons to be contained in ſuch certificate,) and if it further appear by the oath of one or more owner or owners, and of the maſter or chief officer of ſuch ſhip, written at the foot of ſuch certificate, and made before the collector or comptroller of ſuch port (who are hereby impowered and required to adminiſter the ſame,) that it is really and truly their firm purpoſe and determined reſolution, that ſuch ſhip ſhall, as ſoon as licence ſhall be granted, forthwith proceed, ſo manned, furniſhed, and accoutred, in a voyage to the *Greenland* ſeas, or *Davis's Streights*, or the ſeas adjacent, and there, in the then approaching ſeaſon, to uſe the utmoſt endeavours of themſelves and their ſhip's company to take whales, or other creatures

Britiſh ſhips to be viſited by officers of the cuſtoms before they proceed on their voyage to Greenland.

creatures living in the ſea, and on no other deſign or view of profit in ſuch voyage, and to import the whale fins, oil and blubber thereof, into the kingdom of *Great Britain*, (naming the port to which it is their intention to return;) and if the maſter, after ſuch certificate had, and oath made, do alſo become bound, with two ſufficient ſecurities, unto his Majeſty, his heirs and ſucceſſors, in the penalty of ſuch ſum as ſhall be equal to treble the bounty intended by this act, (which bond the ſaid collector, with the approbation of the comptroller, is hereby required to take, and is to be in force for the term of three years againſt the maſter and ſureties, for the faithful dealing of the ſaid maſter and ſhip's company, in regard to the ſaid ſhip and voyage;) then, and in all ſuch caſes, it ſhall and may be lawful for any three or more of the commiſſioners of the cuſtoms in *England* or *Scotland* reſpectively, for the time being, on receiving ſuch certificates and oaths made, and it being certified to them by the collector and comptroller of ſuch port, that ſufficient ſecurity hath been given as aforeſaid, to give and grant, and they are hereby required to give and grant, to the maſter and owners of ſuch ſhip, full licence and authority to proceed on ſuch voyage as aforeſaid.

Commiſſioners of the cuſtoms to grant licences to the maſter to proceed, ſufficient ſecurities being given.

IV. *And to prevent any diſputes that may ariſe, whether a ſhip be properly qualified, and duly fitted out for the whale fiſhery, according to the true intent and meaning of this act, and intitled to a certificate thereof from the cuſtom-houſe officers*, it is hereby enacted, That every ſhip of the burthen of two hundred tons, deſigned for this fiſhery, ſhall, and is hereby obliged to have on board forty fiſhing lines, of one hundred and twenty fathom each, forty harpoon irons, four boats, with ſeven men (including a harpooner, a ſteerſman, and a line-manager, to each boat, making in the whole twenty-eight men, beſides the maſter and ſurgeon) with ſix months proviſions, at the leaſt, for ſuch number of men; and every ſhip of larger burthen an increaſe of ſix men, one boat, ten ſuch lines, and ten harpoon irons more, for every fifty tons above the ſaid two hundred tons, together with proviſions in proportion; and every ſhip, which ſhall be ſo employed in the ſaid fiſhery, ſhall have on board an apprentice, indentured for the ſpace of three years, at the leaſt, for every fifty tons burthen, who ſhall be accounted as one of the number of men required to be on board ſuch ſhip as aforeſaid.

Ships of 200 tons burthen how to be furniſhed.

V. And be it further enacted by the authority aforeſaid, That on the return of ſuch ſhip to the port to which the maſter and mate declared, on oath, their intention to return, the proper officers of the cuſtoms, at ſuch port, ſhall immediately repair on board, and view the condition of ſuch ſhip and her lading, and certify the ſame, together with their obſervations thereon, as alſo the real tonnage of the ſaid ſhip; and the ſaid officers are alſo to take an account or ſchedule of the names of the maſter, mate, and other perſons on board, diſtinguiſhing therein the harpooners and perſons more immediately employed in the ſaid fiſhery, and to certify the ſame; and the maſter and mate ſhall make

On return of ſuch ſhip, officers of the cuſtoms to inſpect her condition and lading.

oath before the collector and comptroller (who are hereby impowered and required to administer the same) on the back of, or annexed to the licence granted as aforesaid, which they are hereby then required to deliver up, that they did, in pursuance thereof, (mentioning the day of their departure) proceed in a voyage directly to the places aforesaid, and have not since been on any other voyage, or pursued any other design, or view of profit; and that they did there (mentioning the time of their stay in those seas) use their utmost endeavour of themselves, and their ships company, to take whales, and other creatures living in those seas; and that all the whale fins, oil, and blubber, imported, (if any) in such ship, was really and *bona fide* caught and taken in the said seas, by the crew of such ship only, or with the assistance of the crew of some other *British* ship licensed for that voyage, pursuant to the directions of this act; all which schedule, certificate, licence, and oath, shall be transmitted by the collector and comptroller of such port, to the respective commissioners for that part of *Great Britain* from whence the ship departed with her licence; and such commissioners being fully satisfied of the faithful dealings of the master, and other persons employed in such ships, with respect to such voyage and fishery, shall, on demand, cause payment to be made to the master or owners, or to his or their assigns, by the receiver-general of the customs for that part of *Great Britain* from whence the ship departed, the bounty or premium following, according to the admeasurement of such ship duly certified as aforesaid; (that is to say) for every such ship as shall proceed on the said fishery, from the twenty-fifth day of *December*, one thousand seven hundred and seventy-one, to the twenty-fifth day of *December*, one thousand seven hundred and seventy-six, the sum of forty shillings *per* ton; and for every such ship, as shall proceed on the said fishery, from the twenty-fifth day of *December*, one thousand seven hundred and seventy-six, to the twenty-fifth day of *December*, one thousand seven hundred and eighty-one, the sum of thirty shillings *per* ton; and for every such ship as shall proceed on the said fishery from the twenty-fifth day of *December*, one thousand seven hundred and eighty-one, to the twenty-fifth day of *December*, one thousand seven hundred and eighty-six, the sum of twenty shillings *per* ton.

Bounty on vessels 40s. per ton, from Dec. 25, 1771. to Dec. 25, 1776.

From Dec. 25, 1776 to Dec. 25. 1781, 30s. per ton.

From Dec. 25, 1781, to Dec. 25, 1786, 20s. per ton.

No person to receive bounty unless the ship sail from the port where inspected.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That no person or persons shall be allowed or intitled to receive the bounty herein before granted, for any ship which shall proceed upon the said whale fishery, from any part of *Great Britain*, after the twenty-fifth day of *December*, one thousand seven hundred and seventy-one, unless such ship shall sail from the port where she shall be surveyed and cleared directly on her intended fishery, on or before the tenth day of *April* in each and every year, and shall continue with her crew in the *Greenland* seas, or *Davis's Streights*, or the adjacent seas, diligently endeavouring to catch whales, or other creatures living in those seas, and shall not depart from thence before the tenth

tenth day of *Auguſt* then following, unleſs ſuch ſhip ſhall be laden with the blubber and fins of one whale, caught by the crew thereof, or with the aſſiſtance of the crew of ſome other licenſed ſhip, before that time; or ſhall be forced, by ſome unavoidable accident or neceſſity, to depart ſooner from thoſe ſeas; which accident or neceſſity ſhall be verified on the oaths of the maſter and mate belonging to ſuch ſhip, upon her return from the ſaid fiſhery, before the collector and comptroller of the cuſtoms at the port where ſhe ſhall arrive, who ſhall tranſmit the ſame, together with the ſchedule, licence, and other documents by this act required, to the reſpective commiſſioners of the cuſtoms for that part of *Great Britain* from whence ſuch ſhip departed with her licence.

Ships cleared out before the paſſing hereof, intitled to the bounty of 40s. per ton.

VII. *And whereas the diſpatch of ſhips on the whale fiſhery to the* Greenland *ſeas*, Davis's Streights, *and ſeas adjacent, muſt of neceſſity be within the months of* March *or* April; *and ſome* Britiſh *ſhips, for the ſake of keeping the men that have been taught the art of the ſaid fiſhing in employ, and to prevent their going into foreign ſervice, may have been fitted out from the river of* Thames, *or other parts of his Majeſty's* Britiſh *dominions, and proceeded on the ſaid whale fiſhery to the* Greenland *ſeas, or* Davis's Streights, *and ſeas adjacent, ſince the commencement of this ſeſſion of parliament and before the commencement of this act, and it will be but juſt and reaſonable that the bounties intended to be given on the return of the ſhips hereafter to be fitted out on ſuch voyage, ſhould be given alſo to the owners of ſuch ſhips already ſailed upon ſuch voyage, and not yet returned*; be it therefore provided and enacted by the authority aforeſaid, That every owner or owners of any ſhip or ſhips already ſailed on the ſaid voyage and fiſhery reſpectively, who have conformed themſelves, in all reſpects, to the rules and directions preſcribed by the ſeveral acts of parliament which were in force at the commencement of this act, for granting a bounty upon ſuch ſhips, ſhall be allowed and intitled to receive the bounty of forty ſhillings *per* ton for ſuch voyage, in the ſame manner as he or they would have been intitled to receive the ſame, if this act had not been made, any thing herein contained to the contrary notwithſtanding.

Bounties how to be ſettled by the commiſſioners of the cuſtoms.

VIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the commiſſioners of the cuſtoms in *England* and *Scotland* reſpectively, to order the reſpective receivers-general of the cuſtoms, in caſe the monies remaining in their hands ariſing from the old ſubſidy, ſhall not be ſufficient, at any time or times during the continuance of this act, to ſatisfy the ſaid bounty of forty ſhillings *per* ton, and thirty ſhillings *per* ton, and twenty ſhillings *per* ton, during the ſeveral periods herein before limited, payable on all ſhips employed in the ſaid fiſhery, according to the directions of this preſent act, to pay the ſame out of any monies that ſhall be in their hands, ariſing from any of the duties and revenues under their management reſpectively.

Commiſſioners of the cuſtoms

IX. And be it further enacted by the authority aforeſaid, That the commiſſioners of his Majeſty's cuſtoms for *England* and *Scotland*

to lay before the parliament, at the commencement of each ſeſſion, what number of ſhips have been employed in the whale fiſhery, &c.

Scotland reſpectively, ſhall, at the beginning of every ſeſſion of parliament, lay before both houſes of parliament an account in writing under their hands of what number of ſhips have been employed in the whale fiſhery to *Davis's Streights* and the *Greenland* ſeas, with their reſpective names and burthens, from whence they were fitted out, and at what port in *Great Britain* they were diſcharged, and alſo what quantity of oil, or whale fins each ſhip ſhall have imported.

Owners of ſhips under 200 tuns burthen, intitled to bounty, according to their admeaſurement.

X. *And whereas it hath been found by experience, that ſhips under the burthen of two hundred tons are fit for the ſaid fiſhery*; be it therefore enacted and declared by the authority aforeſaid, That every owner or owners of any ſhip or ſhips, under the burthen of two hundred ton, which ſhall be employed in the ſaid fiſhery, who have conformed themſelves in all reſpects to the rules and directions herein before preſcribed to the owners of ſhips of two hundred tons, ſhall be intitled to the ſaid bounty, as herein before limited, according to the admeaſurement of ſuch ſhip or ſhips reſpectively.

No ſhip above 400 tons burthen to be intitled to a larger bounty.

XI. Provided always, and be it enacted by the authority aforeſaid, That no ſhip, to be employed in the ſaid fiſhery, although ſhe be above the burthen of four hundred tons, ſhall be intitled to a larger bounty than a ſhip of four hundred tons would be intitled to.

Proviſo.

XII. Provided alſo, That nothing in this preſent act contained ſhall extend, or be conſtrued to extend, to oblige the owner or owners of any ſhip above the burthen of four hundred tons, in order to intitle him or them to the ſaid bounty, to fit out, equip, and man, any ſuch ſhip, otherwiſe than as a ſhip of the burthen of four hundred tons only is, by this preſent act, required to be fitted out, equipped, and manned.

Owners may inſure the bounty they are intitled to.

XIII. *And whereas applications have heretofore been made to parliament for the bounty on ſhips employed in the ſaid fiſhery that have happened to be loſt at ſea before their return to* Great Britain, *and a doubt hath ariſen whether the ſaid bounty may be lawfully inſured by the owner or owners of ſuch ſhips*; *for obviating ſuch doubt, and for preventing any future applications to parliament for the bounty on any ſuch ſhips*, be it declared and enacted by the authority aforeſaid, That it ſhall and may be lawful for the owner or owners of any ſhip employed, or deſigned to be employed, in the ſaid fiſhery, to inſure the bounty which ſuch owner or owners would be intitled to upon the return of ſuch ſhip to the port to which the maſter and mate of ſuch ſhip ſhall have declared on oath their intention to return, and on the performance of all other matters directed and appointed by this preſent act to be performed for obtaining the ſaid bounty.

After Dec. 25. 1771, for 15 years, ſhips fitted out from America to be inſpected by the officers at

XIV. And be it further enacted by the authority aforeſaid, That from and after the twenty-fifth day of *December*, one thouſand ſeven hundred and ſeventy-one, for and during the ſpace of fifteen years, to be computed from the ſaid twenty-fifth day of *December*, one thouſand ſeven hundred and ſeventy-one, every

every ſhip built or fitted out in any of his Majeſty's dominions in *America*, not being more than two years old from the firſt building thereof, that proceeds from any port in his Majeſty's *American* dominions on the fiſhery aforeſaid, manned and navigated as by the laws now in force is directed, which ſhall, before ſhe proceeds on ſuch voyage, be viſited by the proper officer or officers of the cuſtoms belonging to ſuch port, who ſhall take an account of the tonnage thereof in ſuch manner as is herein before directed concerning *Britiſh* ſhips which ſhould be intitled to the benefits of this act, and ſhall certify ſuch his or their viſitation, examination, and admeaſurement, to the governor or commander in chief of the place where ſuch ſhip ſhall be fitted out, or to the naval officer of ſuch port; and if it appear, by the ſaid certificate of ſuch officer or officers, that ſhe had, at the time of giving ſuch certificate, on board ſuch a number of men, proviſions, boats, fiſhing-lines, and inſtruments, to be uſed in ſuch fiſhery as is herein before required of *Britiſh* ſhips which ſhould be intitled to the benefit of this preſent act, and that ſhe is a ſhip ſtrongly built, and otherwiſe a ſhip proper for ſuch voyage and fiſhery, and had, at the time of granting the ſaid certificate, on board, among her crew, ſuch a number of harpooners, ſteerſmen, and line-managers, who had before been employed in ſuch voyages, (the names of ſuch perſons to be contained in ſuch certificate) according to the directions aforeſaid concerning *Britiſh* ſhips to be employed in the ſaid fiſhery; and if the owner or owners, and maſter, or chief officer of ſuch ſhip, ſhall, in writing, at the foot of ſuch certificate, make ſuch oath before the governor, commander in chief, or naval officer, (who are hereby impowered and required to adminiſter ſuch oath,) as is herein before required of the owner or owners, and maſter, or chief officer of ſuch *Britiſh* ſhip as aforeſaid, and likewiſe that ſuch ſhip is not more than two years old from the firſt building thereof; and if the maſter ſhall likewiſe, after ſuch certificate had, and oath made, become bound with ſuch ſureties in ſuch penalty and condition as herein before is required to be given by the maſter of ſuch *Britiſh* ſhips as aforeſaid, which ſaid bond is hereby required to be taken by the governor, or commander in chief, or naval officer of ſuch place, from whence the ſaid ſhip is ſo fitted out; then, and in all ſuch caſes, it ſhall and may be lawful for the ſaid governor, or commander in chief, or naval officer, and they are hereby required to give and grant to the maſter and owners of ſuch ſhip, full licence and authority to proceed on ſuch voyage. the reſpective ports.

XV. And be it further enacted by the authority aforeſaid, That on the arrival of ſuch ſhip at the port in *Great Britain* to which the ſaid maſter and mate declared on oath they intended to proceed after their intended voyage to the *Greenland* ſeas, or to *Davis's Streights*, or to the ſeas adjacent, or on their arrival at ſome other port of *Great Britain* where they ſhall unload, the proper officers of the cuſtoms of ſuch port ſhall proceed in ſuch manner, On the arrival of ſuch ſhip at the port in Britain intended,

Cuſtom-houſe officers ſhall make ſuch ſchedule as before directed.

manner, and make ſuch ſchedule as is herein before directed, concerning *Britiſh* ſhips who were to be intitled to the benefits of this act; and ſuch ſchedule, certificate, licence, and oath, ſhall be tranſmitted to the reſpective commiſſioners of his Majeſty's cuſtoms for that part of *Great Britain* in which ſuch ſhip ſhall arrive, after her ſaid voyage to the *Greenland* ſeas, or *Davis's Streights*, or the ſeas adjoining; and ſuch commiſſioners being ſatisfied of the faithful dealings of the maſter, and other perſons employed in ſuch ſhips, with reſpect to ſuch voyage and fiſhery, ſhall, on demand, cauſe payment to be made to the maſter, or owners, or to his or their aſſigns, by the receiver-general of the cuſtoms of that part of *Great Britain* at which the ſaid ſhip ſhall arrive as aforeſaid, of the like ſum *per* ton, according to the admeaſurement of ſuch ſhip duly certified as aforeſaid, and in like manner, as to the owners and maſters of *Britiſh* ſhips who are intitled to the ſaid bounties by virtue of this preſent act.

The like bounty to be paid, according to ſuch veſſel's admeaſurement.

American veſſels to ſail on her intended voyage before May 1.

XVI. And be it further enacted by the authority aforeſaid, That all ſhips that ſhall be fitted out in *America* for the ſaid fiſhery, after having conformed to all the aforeſaid rules and reſtrictions, ſhall ſail from ſuch port where ſurveyed directly on her intended fiſhery on or before the firſt day of *May*, and ſhall not depart or leave *Davis's Streights* or *Greenland*, and ſeas adjacent, before the twentieth day of *Auguſt*, unleſs ſuch ſhip ſhall be laden with the blubber and fins of one whale, caught by the crew thereof, or with the aſſiſtance of the crew of ſome other licenſed ſhip before that time, or ſhould meet with any unavoidable accident, ſo as to endanger the lives of the ſhip's crew, which accident, ſhall be declared on the oaths of the maſter and mate, carpenter, harpooners, line-managers, boat-ſteerers, and ſurgeon, belonging to ſuch ſhip, upon her return from the ſaid fiſhery, before the collector and comptroller of the cuſtoms at the port where ſhe ſhall arrive, who ſhall tranſmit the ſame to the commiſſioners of his Majeſty's cuſtoms in *England* or *Scotland* reſpectively; and in caſe of any irregular proceeding contrary hereunto, every ſhip ſo offending ſhall loſe the benefit of this bounty.

For encouragement of the whale fiſhery in the gulf of Saint Lawrence.

XVII. *And for the further encouragement of the whale fiſhery, in the gulf and river of* Saint Lawrence, *and on the coaſts of his Majeſty's colonies in* America, be it further enacted by the authority aforeſaid, That for and during the ſpace of fifteen years, to be computed from the ſaid twenty-fifth day of *December*, one thouſand ſeven hundred and ſeventy-one, it ſhall and may be lawful, to and for any perſon or perſons, to import in ſhips belonging to his Majeſty's ſubjects, (whereof the captain or maſter, and three-fourths of the mariners, are his Majeſty's ſubjects) whale fins, taken from whales caught by any of his Majeſty's ſubjects in the gulf or river of *Saint Lawrence*, or in any ſeas on the coaſts of any of his Majeſty's colonies in *America*, without paying any cuſtom, ſubſidy, or duty, for the ſame, other than and except the rate or duty commonly called *The Old Subſidy*, granted by an act made in the twenty-fifth year of the reign of

Whale fins may be imported without paying more cuſtom, than the ſubſidy granted

King

King *Charles* the Second, intituled, *An act for the encouragement of the* Greenland *and* Eaſtland *trades, and for the better ſecuring the plantation trade*, for and during the term aforeſaid; any law or ſtatute to the contrary thereof notwithſtanding. by act 25 Car. II.

XVIII. Provided always, and be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to allow the importation of ſuch whale fins without paying any cuſtom, ſubſidy, or duty, other than and except the ſaid rate or duty commonly called *The Old Subſidy*, unleſs the captain, maſter, or other commanding officer of the ſhip or veſſel, or the perſon importing the ſame, ſhall firſt make oath before one of the principal officers of the cuſtoms in the port or ports of importation, (who is and are hereby authoriſed and required to adminiſter ſuch oath) that all the whale fins imported in ſuch ſhip or veſſel were, to the beſt of his knowledge and belief, really, and *bona fide*, the fins of whales caught and taken in the gulf or river of *Saint Lawrence*, or in the ſeas or the coaſts of ſome of his Majeſty's colonies in *America*, by the crew of ſuch ſhips and veſſels only, whereof the owner or owners, the captain or maſter, and three-fourths of the mariners, were his Majeſty's ſubjects. Oath to be made by the captain of ſuch fins being really taken in the gulf of St. Lawrence.

XIX. *And whereas the* Greenland *fiſhery trade cannot be carried on without a certain number of men who are uſed to the ſaid fiſhery, which nevertheleſs, is intended as a nurſery of able and hardy ſeamen for the publick ſervice in the royal navy*; be it therefore enacted by the authority aforeſaid, That no harpooner, line-manager, or boat-ſteerer, who ſhall be in, or belong to any ſhip or veſſel in the *Greenland* fiſhery trade, and whoſe name, (diſtinguiſhing the capacity in which the perſon ſo named, is to act,) ſhall be inſerted in a liſt, which is hereby required to be delivered on oath, by the owner of ſuch ſhip, to the collector of the cuſtoms at the port from which ſuch ſhip is intended to proceed upon the ſaid fiſhery, (which oath ſuch collector is hereby impowered and required to adminiſter,) ſhall be impreſſed from the ſaid ſervice; and that any ſuch harpooner, line-manager, or boat-ſteerer, may, during the time of the year that he or they are not employed in the ſaid fiſhery, ſail in the colliery trade, upon giving ſecurity, to the ſatisfaction of the commiſſioners of the cuſtoms, that he or they will proceed in the ſaid ſhip or veſſel to the *Greenland* ſeas, or *Davis's Streights*, on the whale fiſhery the next ſeaſon: and that every ſeaman, or common mariner, who after the firſt day of *February* in any year during the continuance of this act, ſhall be entered to ſerve on board any ſhip, which ſhall be intended to proceed on the ſaid fiſhery in the following ſeaſon, whoſe name ſhall be inſerted in a liſt to be delivered as aforeſaid, and who ſhall have given ſecurity, to the ſatisfaction of the commiſſioners of the cuſtoms, to proceed, and ſhall proceed accordingly, ſhall be privileged, and exempt from being impreſſed from or out of the ſaid ſervice, from the ſaid firſt day of *February*, till after the expiration of the then next ſeaſon for the Harpooners, line-manager, boat-ſteerers, and ſailors, how to be privileged.

the ſaid fiſhery, and until the voyage home from thence ſhall be fully compleated and ended, and no longer; any law, cuſtom, or uſage, to the contrary notwithſtanding.

CAP. XXXIX.

An act to amend an act made in the laſt ſeſſion of parliament, intituled, An act for extending like liberty in the exportation of rice from *Eaſt* and *Weſt Florida* to the ſouthward of *Cape Finiſterre* in *Europe*, as is granted by former acts of parliament to *Carolina* and *Georgia*.

Preamble.

WHEREAS *by an act made in the laſt ſeſſion of parliament, (intituled,* An act for extending like liberty in the exportation of rice from *Eaſt* and *Weſt Florida* to the Southward of *Cape Finiſterre* in *Europe*, as is granted by former acts of parliament to *Carolina* and *Georgia*,) *it is enacted, That it ſhall and may be lawful for any of his Majeſty's ſubjects, in ſuch manner as is therein particularly mentioned, to ſhip or load rice in the ſaid province of* East *or* Weſt Florida, *and to carry the ſame directly to any port ſouthward of* Cape Finiſterre *in* Europe, *without carrying the ſame to any other of his Majeſty's plantations in* America, *or to* Great Britain: *and whereas the produce of rice, and the exportation thereof, may be greatly encouraged for the mutual benefit of this kingdom and the ſaid province, if like liberty or licence was extended to the carrying the ſame directly to any part of* America, *to the ſouthward of the provinces of* Carolina *or* Georgia, *without bringing the ſame firſt to* Great Britain; *may it therefore pleaſe your moſt excellent Majeſty that it may be enacted*; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, during the continuance of the ſaid recited act of the laſt ſeſſion of parliament, rice ſhall alſo be permitted or allowed to be exported from his Majeſty's provinces of *Eaſt* and *Weſt Florida* directly to any part of *America* ſouthward of *South Carolina* or *Georgia*, without carrying the ſame to any other of his Majeſty's plantations in *America*, or to *Great Britain*, by ſuch perſons, in ſuch ſhips and veſſels, in the ſame manner, and to ſuch foreign countries and places, and under ſuch entries, ſecurities, reſtrictions, regulations, limitations, duties, penalties and forfeitures, as are in an act made in the fourth year of the reign of his preſent Majeſty, (intituled, *An act for granting, for a limited time, a liberty to carry rice from his Majeſty's provinces of* South Carolina *and* Georgia *directly to any part of* America, *to the ſouthward of the ſaid provinces, ſubject to the like duty as is now paid on the exportation of rice from the ſaid colonies to places in* Europe *ſituate to the Southward of* Cape Finiſterre;) particularly mentioned, referred to, deſcribed, appointed, limited, or enacted, for that purpoſe, as fully and effectually, to all intents and purpoſes, as if the ſeveral clauſes, powers, directions, penalties, and forfeitures, relating thereto, were

Rice may be exported from the Floridas to the ſouthward of Cape Finiſterre, under like regulations as from Carolina.

During the continuance of Act 10° Geo. III. rice may be exported as therein directed,

under the reſtrictions contained in act 4° Geo. III.

were particularly repeated, and again enacted in the body of this preſent act.

CAP. XL.

An act for the more effectually preventing the counterfeiting the copper coin of this realm.

Preamble.

WHEREAS *the coining, or counterfeiting, any of the copper monies of this realm being puniſhable only as a miſdemeanor, the practice thereof hath of late years greatly prevailed, and is likely to continue to increaſe, to the great prejudice of trade, and the manifeſt wrong and injury of his Majeſty's ſubjects: for redreſs of which growing miſchief*, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons ſhall, from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-one, make, coin, or counterfeit, any of the copper monies of this realm, commonly called *an halfpenny*, or *a farthing*, ſuch perſon or perſons offending therein, and his, her, or their counſellors, aiders, abettors, and procurers, ſhall be adjudged guilty of felony.

Perſons after June 24, 1771, counterfeiting copper halfpence or farthings, to be adjudged, with their abettors, guilty of felony.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall, from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-one, buy, ſell, take, receive, pay, or put off any counterfeit copper money, not melted down, or cut in pieces, at or for a lower rate or value than the ſame, by its denomination, doth or ſhall import, or was counterfeited for, every ſuch perſon and perſons ſhall be adjudged guilty of felony.

All perſons buying, ſelling, or putting off, counterfeit money, guilty of felony.

III. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any one juſtice of the peace, on complaint made before him, upon the oath of one credible perſon, that there is juſt cauſe to ſuſpect that any one or more perſon or perſons is, or hath been concerned in counterfeiting the copper monies of this realm, by warrant under his hand, to cauſe the dwelling-houſe, room, workſhop, out-houſe, yard, garden, or other place, belonging to ſuch ſuſpected perſon or perſons, to be ſearched for tools and implements for coining ſuch copper monies; and if any ſuch tools or implements ſhall at any time be found hid, or concealed, in any place ſo ſearched, or be found in the cuſtody or poſſeſſion of any perſon or perſons whatſoever, not then employed in the coining of money in ſome of his Majeſty's mints, nor having the ſame by ſome lawful authority, that then it ſhall and may be lawful to and for any perſon or perſons whatſoever diſcovering the ſame, to ſeize, and he and they are hereby authoriſed and required to ſeize the ſame, and to carry them forthwith to ſome juſtice of the peace of the county, city, or place, where the ſame ſhall be ſeized, who ſhall cauſe the ſame to be ſecured, and produced in evidence againſt any perſon or perſons who ſhall or may be proſecuted

Juſtices, on complaint of perſons concerned in counterfeiting coin, to cauſe their houſes to be ſearched.

Perſons diſcovering tools or inſtruments may ſeize the ſame,

ſecuted for any of the offences aforeſaid, in ſome court of juſtice proper for the determination thereof; and after ſuch time as they, or any of them, ſhall have been produced in evidence, as well the ſame ſo produced as the other ſo ſeized and not made uſe of, in evidence, and every of them, ſhall forthwith, by order of that court where ſuch offender or offenders ſhall be tried, or by order of ſuch or ſome other juſtice of the peace, in caſe there be no ſuch trial, be defaced and deſtroyed, or otherwiſe diſpoſed of, as ſuch court, or ſuch juſtice, ſhall direct.

which ſhall be defaced and deſtroyed as juſtice ſhall direct,

CAP. XLI.

An act to explain an act made in the eighth year of the reign of his late Majeſty King George *the Firſt, intituled,* An act giving further encouragement for the importation of naval ſtores, and for other purpoſes therein mentioned, *ſo far as relates to the importation of unmanufactured wood of the growth and product of* America; *and to explain ſo much of an act made in the twenty-ſixth year of the reign of his late majeſty King* George *the Second, intituled,* An act for enlarging and regulating the trade into the *Levant* ſeas, *as relates to the importation of raw ſilk and mohair yarn landed at certain places therein mentioned.*

Preamble. Act 8 Geo. 1.

WHEREAS *by an act made in the eighth year of the reign of his late majeſty King* George *the Firſt, intituled,* An act giving further encouragement for the importation of naval ſtores, and for other purpoſes therein mentioned, *various ſorts of wood and timber, and of the goods commonly called lumber, in the ſaid act particularly enumerated, being the growth and product of his Majeſty's* Britiſh *plantations or colonies in* America, *may be imported directly from thence free of all cuſtoms and impoſitions whatſoever: and whereas mahogany, and various ſorts of* American *wood, are become very uſeful and neceſſary to cabinet-makers and other artificers in this kingdom, and it would tend to the improvement of the manufactures thereof, and to the more comfortable ſupport and maintenance of great numbers of his Majeſty's* Britiſh *ſubjects employed in the making and working of ſuch goods, and to the increaſe of the exportation thereof into foreign parts, when ſo manufactured here, if liberty was given to import ſuch goods from all parts of* America *duty-free*; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-one, it ſhall and may be lawful for any perſon or perſons to import into this kingdom directly, from any part of *America*, in *Britiſh* veſſels, navigated according to law, any ſort of unmanufactured wood, being the growth and product of *America* (except maſts, yards, and bowſprits) without paying any ſubſidy,

From Sept. 29, 1771, unmanufactured wood may be importedfrom America,

except maſts, &c.

fidy, cuſtom, or other duty whatſoever for the ſame, any law, cuſtom, or uſage, to the contrary notwithſtanding.

without paying cuſtom or duty.

II. Provided nevertheleſs, and it is hereby further enacted by the authority aforeſaid, That a due entry of ſuch goods ſhall be firſt made in the cuſtom-houſe belonging to the port where the ſame ſhall be imported, in the ſame manner and form, expreſſing the quantities and qualities of the reſpective goods, as was uſed and practiced before making of this act, and the ſaid goods ſhall be landed in the preſence of the proper officer appointed for that purpoſe, otherwiſe ſuch goods ſhall be liable to the payment of the ſame duties as would have been due and payable for the ſame, if this act had not been made.

Due entry to be made in the cuſtom-houſe at the port, where imported.

III. *And whereas ſeveral parcels of mahogany of the growth and produce of the bay of* Honduras *have been imported into the port of* London *ſince the firſt day of* July, *one thouſand ſeven hundred and ſeventy, for which the importers have paid or depoſited the duties payable thereon with the proper officers of the cuſtoms; and it is reaſonable that the importers of ſuch mahogany ſhould receive the benefit intended by this act*; be it therefore further enacted by the authority aforeſaid, That it ſhall and may be lawful for the commiſſioners of the cuſtoms, or any four of them, to order the ſaid duties ſo paid or depoſited to be repaid; and ſuch officers are hereby authoriſed and required to repay the ſame to the importers of ſuch mahogany, or to any other perſon legally authoriſed to receive the ſame.

Mahogany of the growth of the bay of Honduras, imported to the port of London, ſince 1770, having paid the duties; Commiſſioners to cauſe the ſaid duties to be repaid.

IV. *And whereas by an act of parliament made in the twenty-ſixth year of the reign of his late majeſty King* George *the Second, intituled,* An act for enlarging and regulating the trade into the *Levant* ſeas, *it is, amongſt other things, enacted, That no goods or merchandiſes liable to retain the infection of the plague, and coming from the* Levant *without a clean bill of health, ſhall be landed at any part of* Great Britain *or* Ireland, *or of the iſles of* Guernſey, Jerſey, Alderney, Sark, *or* Man, *unleſs it ſhall appear to the ſatisfaction of his Majeſty, his heirs or ſucceſſors, or of his or their privy council, that the ſaid goods or merchandiſes have been ſufficiently opened and aired in the lazarets of* Malta, Ancona, Venice, Meſſina, Leghorn, Genoa, *and* Marſeilles, *or one of them: and whereas raw ſilk and mohair yarn of the product and manufacture of* Aſia, *are, by the laws now in force, prohibited to be imported into this kingdom from any port or place in the* Streights *or* Levant *ſeas, except ſuch ports or places as are within the dominions of the Grand Seignior, and ſome doubts have ariſen, whether ſuch raw ſilk and mohair yarn, though ſhipped and laden in the ſaid* Streights *and* Levant *ſeas, within the dominions of the Grand Seignior, can be legally imported into this kingdom, after having been landed at* Malta, Ancona, Venice, Meſſina, Leghorn, Genoa, *or* Marſeilles, *for the purpoſe of being opened and aired as aforeſaid*; be it therefore enacted by the authority aforeſaid, That from and after the paſſing of this act, any ſuch raw ſilk, or mohair yarn as ſhall be, or have been ſhipped in any port or place in the ſaid *Streights* or *Levant* ſeas, within the dominions of the Grand Seignior, and which ſhall be after-

Act 26 Geo. 2.

Goods from the Levant, liable to retain infection of the plague, without a clean bill of lading, ſhall not be landed in Britain or Ireland.

Silk and mohair yarn, of the product of Aſia,

ſhall be deemed to be imported from the port in the Grand Seignior's dominions

where ſuch goods were firſt ſhipped.

afterwards landed at any or either of the places herein before particularly mentioned for the purpoſe of opening and airing only, and which ſhall be reſhipped on board the ſame ſhip from which they were ſo landed, ſhall, upon importation into this kingdom, be deemed and taken to have been imported from the port or place, within the Grand Seignior's dominions, where ſuch goods were firſt ſhipped, and not from the place where they were landed to be opened and aired; any thing in any former act or acts to the contrary notwithſtanding.

CAP. XLII.

An act to explain and amend an act made in the laſt ſeſſion of parliament, intituled, An act to regulate the trials of controverted elections, or returns of members to ſerve in parliament.

Preamble. Act 10 Geo. III.

WHEREAS *an act was paſſed in the laſt ſeſſion of parliament, intituled,* An act to regulate the trials of controverted elections, or returns of members to ſerve in parliament: *and whereas further proviſions may be neceſſary to prevent all obſtructions and difficulties, which in certain caſes may ariſe in the execution of the ſaid act*; be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the paſſing of this act, if ſeveral parties, on diſtinct intereſts or grounds of complaint, ſhall preſent ſeparate petitions, complaining of an undue election, or return of a member or members to ſerve in parliament, the ſame notices and orders ſhall be given to all ſuch parties, or their reſpective agents, as by the ſaid act are directed to be given to the ſitting members, or the petitioners therein mentioned, or their reſpective agents.

After paſſing hereof, complaint of an undue election, &c. Notice and orders to be given to parties and their agents.

Clauſe in act 10 Geo. III. repealed.

II. And be it further enacted, That the clauſe in the ſaid act which provides, that no petition ſhall be taken into conſideration within fourteen days after the appointment of the committee of privileges, be repealed; and that from henceforth no petition, complaining of an undue election, or return of a member or members to ſerve in parliament, ſhall be taken into conſideration within fourteen days after the commencement of the ſeſſion of parliament, in which it is preſented, nor within fourteen days after the return to which it relates, ſhall be brought into the office of the clerk of the crown.

If at the time of drawing 49 members cannot be compleated, the houſe to proceed in manner directed by act 10 Geo. III.

III. And be it further enacted, That if at the time of drawing by lot the names of the members in manner preſcribed by the ſaid act, the number of forty-nine members, not ſet aſide nor excuſed, cannot be compleated, the houſe ſhall proceed in the manner they are directed by the ſaid act to proceed, in caſe there be leſs than one hundred members preſent at the time therein preſcribed for counting the houſe; and ſo, from day to day, as often as the caſe ſhall happen.

IV. And be it further enacted, That on the day appointed for taking any petition, complaining of an undue election or return of a member or members to ſerve in parliament, into conſideration, the houſe ſhall not proceed to any other buſineſs whatſoever, except the ſwearing of members previous to the reading of the order of the day for that purpoſe.

On the day appointed for hearing complaints of undue elections, the houſe ſhall not proceed to other buſineſs previous to reading the order.

V. And be it further enacted, That if the ſelect committee ſhall have occaſion to apply or report to the houſe, in relation to adjournment of the ſaid ſelect committee, the abſence of the members thereof, or the non-attendance or miſbehaviour of witneſſes ſummoned to appear, or appearing before them, and the houſe ſhall be then adjourned for more than three days, the ſaid ſelect committee may alſo adjourn to the day appointed for the meeting of the houſe.

Manner of adjourning the ſelect committee.

VI. And be it further enacted, That if on a complaint by petition of an undue election or return, there ſhall be more than two parties before the houſe, on diſtinct intereſt, or complaining or complained of upon different grounds, whoſe right to be elected or returned may be affected by the determination of the ſaid ſelect committee, each of the ſaid parties ſhall ſucceſſively ſtrike off a member from the forty-nine members to be choſen by lot, until the ſaid number be reduced to thirteen, in the ſame manner as by the ſaid act is directed for the ſtriking off a member alternately by the parties therein mentioned; and the liſts of the forty-nine members choſen by lot, ſhall, for this purpoſe, be given to all the ſaid parties, and the order in which the ſaid parties ſhall ſo ſtrike off the ſaid members ſhall be determined by lot after they are withdrawn from the bar, and in ſuch caſe, neither of the ſaid parties (there being more than two) ſhall be permitted to name a member to be added to the members ſo drawn by lot as aforeſaid; but that as ſoon as the liſt of thirteen members ſhall be returned by the parties to the houſe, ſuch thirteen members ſhall immediately withdraw, and ſhall by themſelves chuſe two members then preſent in the houſe, whoſe names ſhall not have been drawn, to be added to the ſaid thirteen members; and ſhall, within one hour from the time of their withdrawing, report the names of ſuch two members to the houſe; which two members, ſhall be liable to be ſet aſide on the like objections, for which nominees may be ſet aſide by virtue of the ſaid act: and in caſe ſuch two members, or either of them, ſhall be ſet aſide for any of the cauſes aforeſaid, then the ſaid thirteen members ſhall chuſe one or two other members, as the caſe ſhall require, until two members are choſen, againſt whom none of the objections to nominees mentioned in the ſaid act ſhall be taken and allowed; and that the names of ſuch two members ſhall be then added to the ſaid liſt of thirteen members; and all the ſaid fifteen members ſhall be ſworn at the table, and they ſhall be the ſelect committee appointed for the purpoſes expreſſed in this and the ſaid former act.

If on complaint of undue election, there ſhall be more than two parties on diſtinct intereſt, each party ſhall ſtrike off a member from the 49, ſucceſſively, until reduced to 13.

When the liſt is returned to the houſe, the 13 members to withdraw; and, within one hour, report the names of ſuch two members.

In caſe ſuch two members ſhall be ſet aſide, they ſhall chuſe others; until two are choſen.

VII. And be it further enacted, That where the ſaid nominees

Where the nominees are

directed to be named, no member to depart till the time of meeting of the

nees are by this act directed to be named by the said thirteen members, no member present at the time of the ballot shall depart from the house until the time for the meeting of the said select committee shall be fixed.

select committee is fixed.

CAP. XLIII.

An act for establishing a house or houses of industry in the Isle of Wight, for the reception, maintenance, and employment of the poor belonging to the several parishes, and places, within the said island.

CAP. XLIV.

An act for the better paving, repairing, and cleansing the streets, lanes, alleys, and other publick passages, within that part of the town of Wakefield, in the county of York, which lies within the east end of Westgate Bridge, the south side of Northgate Bar, the north end of Kirkgate Bridge, (except so much thereof as is repaired by the west riding of the said county of York) and the extreme part of the township of Wakefield aforesaid, leading from Wrengate towards East Moor; for preventing nuisances and annoyances therein, and for widening and rendering the same more commodious.

CAP. XLV.

An act for improving and completing the navigation of the rivers Thames *and* Isis *from the city of* London *to the town of* Cricklade, *in the county of* Wilts.

Preamble.

WHEREAS *the carrying on and regulating the navigation of the rivers* Thames *and* Isis *from the city of* London *to the town of* Cricklade, *in the county of* Wilts, *was in and by an act of parliament made and passed in the twenty-fourth year of the reign of his late majesty King* George *the Second, intitled, an act for the better carrying on and regulating the navigation of the rivers* Thames *and* Isis *from the city of* London *westward to the town of* Cricklade, *in the county of* Wilts, *vested in certain commissioners therein appointed, who, for want of proper powers, have not been able to prevent frequent abuses and exactions being committed by the owners of several towing-paths and other passages on the banks of the said rivers, and by the owners of locks, weirs, turnpikes, dams, flood-gates and other engines, in and upon or near adjoining to the said rivers, and also by several barge-masters and their servants navigating thereon; by reason whereof the price of water-carriage on those rivers is very much raised, and the navigation of the said rivers greatly damaged, contrary to the intent and meaning of the said act: and whereas, upon a survey and estimate made and taken of the necessary expence of making proper turnpikes, and of cleansing and imbanking divers parts of the said rivers, and for purchasing lands for the making of towing-paths, and of building bridges across divers streams that empty themselves into the said rivers, and for other purposes, in order to complete the navigation of the said rivers, it appears, that the same will amount to a considerable sum of money, which cannot be raised without the aid and authority of parliament*; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled,

aſſembled, and by the authority of the ſame, That, for completing the ſaid navigation, and for preventing all abuſes and exactions relating thereto, which may render the ſame leſs uſeful to the publick, all members of the houſe of commons for the time being, that do or ſhall reſide within the counties of *Wilts*, *Glouceſter*, *Oxford*, *Berks*, *Bucks*, *Surry*, and *Middleſex*, the repreſentatives in parliament of the ſaid counties for the time being, the repreſentatives in parliament of the city of *London* and of all towns within the ſaid counties for the time being, the lord mayor and aldermen of the city of *London* for the time being, the high bailiff of *Weſtminſter* for the time being, the vice chancellor and heads of colleges or halls in the univerſity of *Oxford* for the time being, the dean and canons of *Chriſt Church* for the time being, the dean and prebendaries of *Weſtminſter* for the time being, the dean and reſidentiaries of *Saint Paul's*, *London*, for the time being, the dean and canons of *Windſor* for the time being, the provoſt and fellows of *Eton College* for the time being, the rectors and incumbents for the time being of the ſeveral pariſhes that border upon the *Thames*, the mayors and recorders of *Oxford*, *Abingdon*, *Wallingford*, *Reading*, *Henley*, *Maidenhead*, *and Windſor*, and the bailiffs and recorder of *Kingſton upon Thames* for the time being, the truſtees or commiſſioners of the river *Wey*, the proprietors of the ſaid river, the mayor, aldermen, and recorder of *Guilford*, the bailiffs of the town of *Godalming*, and all perſons who do or ſhall at any time reſide, or have an eſtate of one hundred pounds *per annum* within the reſpective counties of *Middleſex*, *Surry*, *Berks*, *Bucks*, *Oxford*, *Glouceſter*, and *Wilts*, ſhall be, and are hereby conſtituted commiſſioners for putting in execution all and ſingular the powers in this act contained; and that all and every perſon and perſons conſtituted and appointed a commiſſioner or commiſſioners by virtue or in purſuance of this act, before he and they reſpectively take upon himſelf or themſelves to act as a commiſſioner or commiſſioners, (other than the adminiſtering the following oath to one another, which they, or any two of them, are hereby impowered and required to do) ſhall take and ſubſcribe the following oath: Commiſſioners.

I A. B. *do ſwear, that I will, without favour or affection, truly, faithfully, and impartially execute, perform, and diſcharge the office and duty of a commiſſioner, according to the powers, authorities, and directions given and eſtabliſhed by an act of parliament* for improving and completing the navigation of the rivers *Thames* and *Iſis* from the city of *London* to the town of *Cricklade*, in the county of *Wilts*; *and that I will execute the ſaid act, according to the beſt of my ſkill and knowledge.* Oath.

So help me GOD.

which oath ſo taken and ſubſcribed as aforeſaid ſhall be kept by the clerk of the peace among the records of the ſeſſions of the

peace in and for the reſpective counties where the ſame ſhall be ſo taken and ſubſcribed.

Qualification of commiſſioners.

II. Provided always, That no perſon, except the mayor, aldermen of *Guilford*, and the bailiffs of the town of *Godalming*, ſhall act as a commiſſioner in any caſe in the execution of this act, unleſs he ſhall be ſeiſed in his own right, or in the right of his wife, of lands, tenements, or hereditaments of the clear yearly value of one hundred pounds, or ſhall be heir-apparent of ſome perſon having ſuch eſtate of the yearly value of two hundred pounds, or ſhall be poſſeſſed of a perſonal eſtate to the amount of three thouſand pounds.

If diſqualified, ſhall forfeit 200 l.

III. And be it further enacted, That in caſe any perſon ſhall preſume to act as a commiſſioner before he has taken the ſaid oath, or if he ſhall have acted not being duly qualified, or whilſt he was under any diſqualification by this act, he ſhall upon conviction thereof, forfeit the ſum of two hundred pounds; to be recovered by the general treaſurer of the ſaid navigation, by action of debt, in any of his Majeſty's courts of record at *Weſtminſter*; and ſuch perſon ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall forfeit the ſaid ſum of two hundred pounds; which ſum, when recovered, after deducting of all coſts and charges attending the recovery thereof, ſhall be applied to and for the purpoſes of this act.

Time and place of commiſſioners firſt meeting.

Ordinary meetings how to be held.

IV. And be it further enacted, That the ſaid commiſſioners, or any ſeven or more of them, for the better and more orderly putting in execution the powers hereby to them given, ſhall, for the firſt time, meet on the ſecond *Thurſday* after the paſſing of this act at the town-hall of *Henley upon Thames*: and afterwards, in the ſaid year, and every ſubſequent year, without any previous notice, on the firſt *Saturday* after the twenty-fourth day of *June*, at the town-hall of *Great Marlow*, in the county of *Bucks*; on the firſt *Saturday* after the twenty-ninth day of *September*, at the town-hall of *Kingſton*, in the county of *Surrey*; on the firſt *Saturday* after the twenty-fifth day of *December*, at the town-hall of *Oxford*; on the firſt *Saturday* after the twenty-fifth day of *March*, at the town-hall of *Reading*, in the county of *Berks*; which meetings, ſubſequent to the firſt-mentioned meeting, ſhall be called quarterly or ordinary meetings: and at any one of the ſaid quarterly or ordinary meetings it ſhall and may be lawful for any commiſſioner then preſent to propoſe any perſon to be a commiſſioner, being an inhabitant of any county bordering upon the *Thames* or *Iſis*, provided ſuch perſon is otherwiſe duly qualified according to this act, or is not thereby in any manner diſqualified to be elected a commiſſioner; and if the perſon ſo propoſed ſhall be elected by a majority of commiſſioners preſent at the next quarterly or ordinary meeting, he ſhall be a commiſſioner to all intents and purpoſes, in the ſame manner as if he had been appointed by this act.

Commiſſioners may be elected.

Method of adjourning.

V. And be it further enacted, That at any of the ſaid quarterly or ordinary meetings, and alſo at all general meetings, it ſhall and may be lawful for any ſeven or more of the ſaid commiſſioners

miſſioners to proceed to execute this act, and all the powers, matters, and things herein contained, and alſo to adjourn themſelves, from time to time, and place to place, as they ſhall think neceſſary; but in caſe it ſhall happen that ſeven commiſſioners ſhall not be preſent at any ſuch ordinary, or at any extraordinary or adjourned meeting then, and in ſuch caſe only, it ſhall and may be lawful for any two or more of the ſaid commiſſioners to adjourn themſelves, from time to time, and place to place, as they ſhall think proper, until ſeven or more commiſſioners ſhall meet and be preſent at one time, who ſhall adjourn themſelves, from time to time, to ſuch place, and ſo from place to place within the counties of *Middleſex*, *Surrey*, *Berks*, *Buckingham*, *Oxford*, *Glouceſter*, and *Wilts*, and near to the ſame rivers, or ſome part thereof, as they ſhall think proper: and the ſaid commiſſioners, or any three or more of them, are hereby impowered and authoriſed afterwards, at any time or times, when it ſhall happen that no general meeting is appointed to be held by adjournment, to appoint extraordinary general meetings of the ſaid commiſſioners for putting in execution all or any of the powers hereby in them veſted, at ſuch times and places as they ſhall think proper, within any of the counties by or through which the ſaid rivers run, upon or near the ſame, upon giving ten days notice in ſuch publick news-papers as to the ſaid commiſſioners ſhall ſeem meet, of the time and place which ſhall be, from time to time, appointed for ſuch extraordinary general meetings, at which the commiſſioners then preſent ſhall be at liberty, and are hereby impowered to adjourn themſelves to ſuch time and place within any of the aforeſaid counties near the ſaid rivers as they ſhall think proper: and if it ſhall happen that a ſufficient number of commiſſioners ſhall not appear at any ſuch meeting, then the clerk to the ſaid commiſſioners ſhall, by the like notice, adjourn ſuch meeting to the ſame place for that day fortnight; and the ſaid commiſſioners, or any ſeven or more of them, aſſembled at ſuch extraordinary general meetings, ſhall, at any of ſuch extraordinary, general, or adjourned meetings, held at any of the reſpective times and places aforeſaid, or in purſuance of ſuch notice aforeſaid, only for ſuch number of days as to them ſhall ſeem convenient, do and tranſact all ſuch buſineſs relating to the ſaid navigation, as to the ſaid commiſſioners, or any ſeven or more of them, ſhall ſeem expedient; and alſo, upon due examination of any perſon or perſons touching any matters or things which concern the better carrying on and regulating the navigation of the ſaid rivers, or touching any matters in controverſy between party and party relating thereto, upon oath, (which oath they, or any two of them, are hereby impowered, at ſuch general or adjourned meetings, to adminiſter) and ſhall be in theſe words:

Commiſſioners may appoint extraordinary meetings.

In matters of controverſy commiſſioners to adminiſter the following oath.

I A. B. *do ſwear, that ſuch information or evidence as I ſhall give ſhall be the truth, the whole truth, and nothing but the truth.* So help me GOD.

The oath.

Officers how to be appointed,

VI. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners, or any ſeven or more of them, at their firſt or at any ſucceeding general meeting, by any writing or writings under their hands and ſeals ſhall and may appoint a fit perſon to be general treaſurer of the ſaid navigation, and alſo one other fit perſon to be general ſurveyor of the ſaid navigation, and alſo ſuch other fit perſon or perſons to be receiver or receivers, collector or collectors, of the tolls or duties ariſing therefrom; and, in like manner, at their reſpective diſtrict meetings, to appoint one fit perſon in each diſtrict to be clerk to the commiſſioners acting therein, and alſo all ſuch other officers as the ſaid commiſſioners, or any ſeven or more of them, ſhall think neceſſary, and allow them, or any of them, ſuch ſalary or ſalaries as they, or the major part of them

and removed.

ſo aſſembled, ſhall think proper; and alſo ſhall and may, from time to time, remove ſuch treaſurer, ſurveyor, receivers, collectors, clerks, and other officers, as they, or the major part of them ſo aſſembled, ſhall ſee occaſion, and appoint others in their ſtead.

Commiſſioners may purchaſe houſes or lands for making the neceſſary works, make towing-paths, and other conveniences.

VII. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners, or any eleven or more of them, at any general meeting, ordinary or extraordinary, are hereby impowered to make ſuch orders and conſtitutions for the purchaſing of locks, ferries, and lands, for the uſe of the ſaid navigation, and to purchaſe and make ſuch towing-paths, banks, roads, bridges, ferries, and ways, for the towing, haling, or drawing of boats, barges, and other veſſels (with horſes or otherwiſe) paſſing in, through, or upon the ſaid rivers, and to purchaſe or make ſuch wharfs, locks, weirs, bucks, winches, ſpikes, dams, flood-gates, and engines, for the completing and carrying on the ſaid navigation, as the ſaid commiſſioners, or any eleven or more of them, at ſuch general meeting ſhall think neceſſary and convenient for the purpoſes aforeſaid; and alſo to erect and maintain pounds or turnpikes on the ſaid rivers where locks or weirs are now made uſe of, and at all ſuch other places on the ſaid rivers, as the ſaid commiſſioners, or any eleven or more of them, at their general meetings, to be held as herein before directed, ſhall judge proper, and ſo as each of the ſaid pounds or turnpikes ſo to be erected in purſuance of this act, be of the dimenſions of one hundred

and ſettle the prices to be paid for the uſe thereof;

and thirty feet long, and eighty feet wide; and alſo to ſettle and aſcertain reaſonable rates and prices to be taken from the owners of all barges, boats, and veſſels, for the uſe and exerciſe of all the ſaid towing-paths, ferries, gates, and bridges, either by men or horſes, as they are now or ſhall be hereafter uſed, at the diſcretion of the ſaid commiſſioners, by the tenants or occupiers of all ſuch pounds, locks, weirs, bucks, turnpikes, winches, dams, flood-gates, and other engines, and towing-paths in, upon, or near or adjoining to the ſaid rivers of *Thames* and *Iſis*, or which do or may affect the navigation of the ſame, or ſhall be deemed by the ſaid commiſſioners, or any eleven

eleven or more of them, assembled at such meeting or meetings as aforesaid, to be necessary or useful thereto, between the said city of *London* and the said town of *Cricklade*, for the help and assistance which barges, boats, or vessels, may or shall receive thereby or by means thereof, in their passage upon the said rivers, regard being had as well to the size, burthen, or tonage of such boats, barges, and vessels, that shall navigate on the said rivers, as to the charges and expences which have been and shall be laid out in the purchasing of the land necessary for the said towing-paths, and in building, repairing, enlarging, improving, and supporting, the said towing-paths, pounds, weirs, bucks, winches, turnpikes, flood-gates, and other engines; and also to make orders and regulations touching the sizes and draughts of all boats, barges, and other vessels, navigating the said rivers, and to settle proper gages on the sides thereof, and how deep they shall load at all times, so as no boat, barge, or other vessel whatsoever, navigating the said river, shall draw more than three feet of water; and also to make and appoint all such other necessary rates, orders, constitutions, rules, and regulation, concerning the said navigation, and also concerning such pounds, weirs, bucks, winches, turnpikes, dams, flood-gates, and other engines and towing-paths, lying between the places aforesaid, and the shutting, penning, opening, drawing, use, or management thereof, for the benefit and safety of the said navigation; and making satisfaction for the loss or damage any owners or occupiers of mills or lands shall or may sustain thereby; and concerning all barges, boats, or vessels passing by, through, or with the help of the same, and behaviour of all bargemen, boatmen, and watermen, belonging to or working in such barges, boats or vessels, so as to remedy the abuses which have been heretofore frequently committed, or may hereafter be committed by them in the navigation; and to give such reparation, satisfaction, and damages, to the person or persons aggrieved thereby, as likewise to the owners or occupiers of lands, meadows, or other grounds, who shall be damaged by the neglect or refusal of the owners of such pounds, weirs, bucks, winches, turnpikes, and flood-gates, in not opening and keeping open the same till the water is sunk beneath the water-mark, as to the said commissioners, or any eleven or more of them, shall seem meet.

make regulations relating to the vessels navigating the river;

make satisfaction to owners of mills; and prevent misbehaviour of watermen.

VIII. Provided always, That nothing in this act contained shall extend to authorise or impower the said commissioners, or any other commissioners hereafter to be appointed by virtue of this act, to make any cut or cuts to divert the present course of the said river in any manner whatsoever between the bridge at *Maidenhead*, in the county of *Berks*, and the city of *London*, nor any where above the said bridge, except for the sole purpose of making turnpike locks on the sides of the present locks.

Not to extend to prevent the present course of the river.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or any seven or more of them, at any general meeting, or for any three

Commissioners to settle the price for passage of barges.

three or more of them at any diſtrict meeting, to ſettle the price to be paid for the paſſage of barges or other veſſels, ſo as ſuch price, ſo far as regards the locks now in being, be not leſs than the preſent owners or occupiers of ſuch locks are now intitled to take and receive by virtue of any former act, or any order made by the commiſſioners acting under or by virtue thereof, nor more than four-pence *per* ton at any one lock or toll-gate through or near the ſaid locks, according to the tonage of ſuch barges or other veſſels; which price of lockage ſhall be fixed up, painted in large characters, on boards, on the ſaid locks, as well as the price of towing at the beginning and end of each fare; and the ſaid commiſſioners, or any ſeven or more of them, at any general meeting, or any three or more of them at any diſtrict meeting, ſhall have power, by a written order, ſigned by them and directed to the perſons concerned, to oblige the owners or occupiers of locks to keep in repair the ſeveral locks and weirs now in the ſaid rivers; and for non-compliance with ſuch order, after ten days notice, the ſaid commiſſioners, or any three or more of them, whether they ſigned the ſame or not, are hereby impowered to repair ſuch locks and weirs, and to levy the expence by diſtreſs and ſale of the offender's goods and chattels; and the ſaid commiſſioners, or any ſeven or more of them, at any general meeting, or any three or more of them at any diſtrict meeting, are hereby impowered to fix a mark or marks at each lock or weir, below or above which mark or marks no owner or occupier of any lock, weir, or mill, ſhall knowingly or deſignedly let the water fall or riſe, unleſs he is authoriſed thereto by two commiſſioners under their hands, in caſe of any repairs that may be wanting to the ſaid mill, weir, or lock, that may make it neceſſary to let the water down below ſuch marks, but in no other caſe whatſoever; and in caſe any perſon or perſons ſhall act contrary to the above directions, he ſhall forfeit the ſum of fifty pounds, to be recovered as hereinafter-mentioned.

and oblige proprietors to keep up locks and weirs,

and to keep up the water to a proper height.

Water for repairing mills or fiſhing may be drawn down.

X. Provided always, nevertheleſs, and be it enacted by the authority aforeſaid, That any owner or occupier of any mill ſhall and may, and they are hereby impowered, to draw down the water without ſuch authority from the commiſſioners as aforeſaid, for the repair of ſuch mill, or any flood-gates, or water-works belonging thereunto, and for the purpoſe of cleanſing the mill ſtream; and alſo that it ſhall and may be lawful to and for all and every perſon and perſons, having a right or privilege to fiſh with nets or bucks in any part of the ſaid rivers, and to draw down the waters for that purpoſe, to retain, poſſeſs and enjoy, the ſaid right and privilege of fiſhing, at all ſeaſonable times of the year, and drawing down the water, doing thereby no damage or prejudice to the navigation, and cauſing thereby no obſtruction or hinderance to the boats, barges, or lighters, on the ſaid rivers; any thing in this act contained to the contrary notwithſtanding.

Commiſſion-

XI. And be it further enacted by the authority aforeſaid, That

That the commiſſioners appointed by this act, and their ſucceſſors, ſhall, from time to time, and at all times hereafter, ſo build, conſtruct, and keep in repair the locks, bucks, weirs, pounds, and other devices to be erected and conſtructed by the authority of this act, as that a ſufficient head of water may be conſtantly pounded and kept up for the purpoſe of working the mills contiguous and lying near to ſuch locks, bucks, weirs, or pounds; and that in caſe any damage ſhall accrue to any ſuch mill by the improper conſtruction or uſe of any of the ſaid locks, weirs, pounds, or other devices ſo to be conſtructed as aforeſaid, or any ſuch mill by any of the means aforeſaid, ſhall be obſtructed or hindered from working, that then and in ſuch caſe, the ſaid commiſſioners appointed by this act, and their ſucceſſors, or any three or more of them, ſhall, on application to be made to their clerk for that purpoſe, by a notice in writing from any owner or occupier of a mill ſo damaged or obſtructed, or hindered from working, to be given to the ſaid clerk, or left at his uſual place of abode, cauſe the ſaid locks, weirs, pounds, and other devices, or ſuch of them as ſhall be defective, to be well and ſufficiently altered, repaired, and amended, within twenty-one days next after ſuch application ſhall have been made as aforeſaid; and in caſe the ſaid commiſſioners, or their ſucceſſors, or any ſeven or more of them, ſhall not, within the time aforeſaid, cauſe the ſaid locks, weirs, pounds, and other devices, or ſuch of them as ſhall be defective, to be well and ſufficiently altered, repaired, and amended, it ſhall and may be lawful to and for two juſtices of the peace near adjoining to ſuch mill ſo damnified or hindered from working, and they are hereby authoriſed and required to take a view of the ſaid locks, weirs, pounds, and other devices, or ſuch of them as ſhall be ſo defective, on application for that purpoſe to be made by the owner or occupier of the mill ſo damnified or hindered from working; and if, upon ſuch view, the ſaid juſtices ſhall find the ſaid locks, weirs, pounds, and other devices, or any or either of them to be ſo conſtructed, or to be ſo out of repair as to hinder or impede the working of the mill of the owner or occupier ſo giving notice as aforeſaid, then the ſaid juſtices ſhall, by writing under their hands and ſeals, certify what repairs or alterations are wanting to be made or done to the ſaid locks, weirs, pounds, or other devices; which certificate ſhall be delivered to the clerk to the ſaid commiſſioners, or left at his uſual place of abode; and in caſe the ſaid commiſſioners, or their ſucceſſors, or any ſeven or more of them, ſhall not, within twenty days next after the ſaid certificate ſhall be left with, or delivered to their ſaid clerk as aforeſaid, cauſe the ſaid locks, weirs, pounds, and other devices to be ſo properly conſtructed or well and ſufficiently repaired, as that the ſaid mills may not be damaged or hindered from working as uſual; that then, and in ſuch caſe, it ſhall and may be lawful to and for the owners or occupiers of ſuch mills, and they are hereby authoriſed to cauſe ſuch alterations, reparations, and amendments, to be made to the ſaid locks, weirs, pounds, and other devices, as ſhall be

ers to keep up a proper head of water for working mills.

mentioned in the ſaid certificate; and the ſaid commiſſioners and their ſucceſſors, or any ſeven or more of them, ſhall pay, or cauſe to be paid, to the perſon or perſons at whoſe expence the ſaid alterations, repairs, and amendments, ſhall have been made, all ſuch coſts, charges, and expences, as he or they ſhall have paid, expended, or been put unto on that occaſion; and alſo to the owners or occupiers of ſuch mills, all ſuch damages as they may have ſuſtained by reaſon of ſuch want of alteration or defect in reparation, ſuch coſts, charges, damages, and expences to be liquidated by ſuch two juſtices as aforeſaid, if any diſpute ſhall ariſe concerning the ſame; and in caſe of nonpayment thereof for the ſpace of twenty days next after demand for that purpoſe made on the collector of the rates and duties to be collected by virtue of this act, it ſhall and may be lawful to and for the perſon and perſons at whoſe expences ſuch alterations, repairs, and amendments, ſhall have been made, and to and for the owner and occupiers of ſuch mills ſo damnified as aforeſaid, and they are hereby authoriſed to receive all and every the rates and duties to be collected by virtue of this act, until he and they ſhall have reimburſed himſelf and themſelves all ſuch coſts, charges, damages, and expences, as he or they ſhall have ſuſtained or been put unto in making ſuch alterations, repairs, and amendments, as aforeſaid, or by reaſon of the defect or want thereof.

Lock dues to be paid to former proprietors of locks.

XII. *And whereas there are many locks, bucks, weirs, and winches, now in the ſaid rivers, the owners or occupiers whereof are by virtue of the ſaid recited act of parliament of the twenty fourth year of the reign of his ſaid late majeſty King* George *the Second, or of ſome orders made by the commiſſioners acting under the authority thereof, intitled to receive a toll or rate for the paſſage of boats, barges, and lighters, through ſuch waters and locks, and for the uſe of ſuch winches: and whereas, by means of the ſaid intended navigation, and the alteration of the courſe thereof, all the boats, barges, and other veſſels, will be prevented and obſtructed from paſſing or repaſſing to or from, or through the ſaid weirs and bucks: in order therefore to make a ſatisfaction to ſuch owners and occupiers of locks, bucks, weirs, and winches, for the damage they may reſpectively ſuſtain by reaſon of the ſaid intended navigation, and the alteration of the courſe thereof*; be it further enacted, That from the time of making any alterations in the navigation of the ſaid rivers in purſuance of this act, whereby any boat, barge, lighter, or other veſſel, ſhall be prevented or diverted from paſſing or repaſſing to, from, or through either of the ſaid weirs or locks, or from uſing either of the ſaid bucks or winches, there ſhall, from thenceforth, and for ever thereafter, be paid and allowed, and the commiſſioners appointed, or to be appointed by or in purſuance of this act, are hereby authoriſed, impowered, and required, to pay and allow unto the owner or occupier of every ſuch weir, lock, buck, or winch, for every boat, barge, lighter, or other veſſel, paſſing by and not making uſe of the ſame, ſuch and the ſame tolls, rates, and duties, clear of all taxes and deductions whatſoever, as ſuch owners

owners and occupiers would have been intitled to have received and taken, had ſuch boat, barge, lighter, or other veſſel, ſo paſſing by, paſſed through and made uſe of ſuch weirs, locks, or winches, by virtue of the ſaid recited act of parliament, or any order made by the commiſſioners acting under or by virtue thereof; ſuch tolls to be accounted for and paid monthly at or upon the firſt *Monday* in every month in every year: and in caſe of refuſal or nonpayment of the ſaid tolls, or any part thereof, for the ſpace of ten days next after any of the days before appointed for the payment thereof as aforeſaid, the rates, tolls, and duties granted by this act ſhall veſt in ſuch owner or occupier, until he ſhall have received ſufficient to pay him the tolls allotted him as aforeſaid, together with the coſts and charges occaſioned by the nonpayment of ſuch tolls; and that, until full payment thereof, he ſhall have the ſame powers and authorities for demanding, collecting, and receiving the rates, tolls, and duties granted by this act, as are by this act granted to the ſaid commiſſioners, their collectors, or receivers, or any of them.

Lock-dues and lock-owners impowered to meaſure barges, &c.

XIII. *And, for the better aſcertaining what ſum or ſums of money ſhall from time to time be due and payable to ſuch owners or occupiers of locks, weirs, bucks, and winckes*, be it further enacted, That ſuch owners or occupiers, or ſuch perſon or perſons as they, either, or any of them, ſhall for that purpoſe appoint, ſhall and may, at any time or times hereafter, have full and free liberty and power of meaſuring the boats, barges, and lighters, and of inſpecting, examining, and taking copies, at their own expence, of all ſuch books, accounts, and entries, as ſhall at any time or times thereafter, in purſuance of this act, be made, entered, or kept at the place neareſt the lock, weir, or winch, of the owner or occupier claiming ſuch toll, in order to ſee the number of boats, barges, lighters, and other veſſels that have paſſed by ſuch lock, weir, or winch, and the quantity or tonage of the goods, wares, merchandiſes, or commodities, which ſhall be carried or conveyed therein.

Rates of carriage and hire of horſes how to be ſettled.

XIV. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners, or any ſeven or more of them, ſhall have power and authority, and they are hereby required, at their ſaid general meetings, to aſſeſs and rate the prices of the carriage of all ſorts of goods whatſoever, and the rates or fare to be given for the uſe of any horſe or horſes, employed on the ſaid navigation from the ſaid city of *London*, to the ſaid town of *Cricklade*, and back from thence to the ſaid city of *London*, or to or from any place or places upon the ſaid rivers, to any other place or places upon the ſame, in ſuch boats, barges, and other veſſels, and ſhall forthwith give publick notice in writing, to be ſigned by the ſaid commiſſioners at ſuch their meetings, or any ſeven or more of them, to be ſtuck up at the ſeveral locks and turnpike-gates on the ſaid rivers, and at the market places or church doors of ſuch towns and pariſhes as they ſhall think proper within the reſpective diſtricts, and alſo to be printed and publiſhed in ſome of the publick news-papers, of which publick

lick notice the ſeveral owners of boats, barges, and other veſſels navigating on the ſaid rivers, are hereby required to take notice, as alſo of the rates and prices ſo from time to time ſet and aſſeſſed, and of all other rates, fares, and prices, which ſhall at any time or times hereafter, at ſuch reſpective meetings as aforeſaid, be rated and aſſeſſed by virtue of this act; and if any owner or proprietor of any ſuch barge, boat, or other veſſel ſhall, at any time after the expiration of twenty days next after the publiſhing of ſuch notice, take for the water-carriage of any goods or merchandiſes above the rates and prices ſo ſet as aforeſaid, every perſon ſo offending ſhall forfeit the ſum of twenty pounds: and if any perſon whatſoever ſhall act contrary to any other rules, orders, or conſtitutions which ſhall be made in purſuance of this act, either for the benefit of the proprietors or owners of mills, locks, lands, grounds, or meadows near or adjoining to the ſaid rivers, or either of them, or otherwiſe howſoever, every ſuch perſon ſo offending ſhall, for every ſuch offence, likewiſe forfeit the ſum of fifty pounds, unleſs in the caſe of offences for which other penalties and forfeitures are herein otherwiſe inflicted; all which reſpective penalties and forfeitures ſhall and may be recovered in a ſummary way by information or complaint made to the ſaid commiſſioners, at any of their general meetings, or at any of their diſtrict meetings, in the manner herein after directed; and ſhall go and be applied, one moiety to the informer or informers, and the other moiety to the party or parties aggrieved by any ſuch offence, and ſhall and may be levied by diſtreſs and ſale of the offenders goods and chattels in manner herein-after directed.

Perſons taking higher rates, or acting contrary to the rules preſcribed,

to forfeit 50 l.

XV. Provided always, and be it further enacted, That no order, rule, or regulation, made by the ſaid commiſſioners at any general meeting, ſhall be altered or repealed at any extraordinary general meeting; and that it ſhall and may be lawful to and for the ſaid commiſſioners, at any of the ſaid quarterly or ordinary meetings, or at any adjournment thereof, to alter, annul, or repeal any order, rule, or regulation made by the ſaid commiſſioners at any former meeting or adjournment whatſoever held in pnrſuance of this act, or to make any new order, rule, or regulation, touching and concerning the ſame, as the occaſion and circumſtances of the caſe may then require, and as to them ſhall ſeem expedient; but no ſuch alteration, repeal, or new order, ſhall be made, or deemed good and ſufficient, unleſs twenty days notice of ſuch alteration or repeal be fixed, in writing, upon the locks and turnpike-gates upon the ſaid rivers, and at the market places, and church doors of ſuch towns and pariſhes, as they ſhall think proper, within their reſpective diſtricts.

No order to be altered,

unleſs notice ſhall be given.

XVI. And be it further enacted by the authority aforeſaid, That the ſaid navigation ſhall, and the ſame is hereby directed to be divided into ſix parts or diſtricts; *videlicet*, That the firſt part or diſtrict of the ſaid navigation ſhall be accounted, deemed, and taken to be between the ſaid city of *London* and the city ſtone above

Navigation to be divided into diſtricts.

above *Staines Bridge*; and that the ſecond part or diſtrict ſhall be accounted, deemed, and taken to be between the city ſtone above *Staines Bridge* aforeſaid and *Boulter's Lock*; and that the third part or diſtrict ſhall be accounted, deemed, and taken to be between *Boulter's Lock* aforeſaid and *Maple Durham*; and that the fourth part or diſtrict ſhall be accounted, deemed, and taken to be between *Maple Durham* aforeſaid and *Shillingford*; and that the fifth part or diſtrict ſhall be accounted, deemed, and taken to be between *Shillingford* aforeſaid and *Oxford*; and that the ſixth part or diſtrict ſhall be accounted, deemed, and taken to be between *Oxford* aforeſaid and *Cricklade*, in the ſaid county of *Wilts*.

First ſub-diviſion meetings to be appointed by the firſt general meeting.

XVII. And be it further enacted by the authority aforeſaid, That the time and place of the firſt meeting in every diſtrict ſhall be appointed by the firſt general meeting to be holden at *Henley*; and that the commiſſioners living within their reſpective diſtricts, or any three or more of them, ſhall and may hold a diſtrict meeting at the time and place ſo appointed, and afterwards at all times and at any place bordering upon the ſaid rivers within their reſpective diſtricts, as any two ſuch commiſſioners ſhall, either by adjournment from time to time, or by any writing under their hands directed to the diſtrict clerk, appoint; of which diſtrict meeting, the ſaid clerk is hereby required, on pain of forfeiting five pounds, at the diſcretion of the ſaid commiſſioners, to affix notice in writing at the market places, or on the principal door of each pariſh church in ſuch towns or pariſhes as are not market towns that are adjoining to the ſaid rivers, as the ſaid commiſſioners ſhall appoint within that diſtrict, ten days before the time appointed for the holding ſuch diſtrict meeting, or if that cannot be, as many days notice as can conveniently be given, regard being had to the neceſſity of the caſe; and at ſuch diſtrict meeting, the ſaid commiſſioners, or any two of them, ſhall have power to adjourn themſelves from time to time, and from place to place, as they ſhall think proper for enforcing the execution of ſuch orders and conſtitutions as ſhall be made at any of the general meetings of the ſaid commiſſioners to be held as aforeſaid; and at ſuch diſtrict meetings the ſaid commiſſioners, or any three or more of them, or the major part of them preſent, ſhall have power, and are hereby authoriſed in a ſummary way, upon examination of the parties, and all witneſſes to be produced by them upon oath, which oath ſhall be in the ſame words as the oath herein before directed for the examination of any perſon or perſons as aforeſaid, (and which oath they are hereby impowered to adminiſter) to hear and determine all ſuch complaints and informations as ſhall be made or laid againſt all and every perſon and perſons accuſed of offending againſt this act, or any of the rules, orders, regulations, or conſtitutions to be made in purſuance or by virtue thereof; and, upon conviction of the offender or offenders, to levy ſuch penalties as the ſaid commiſſioners are by this act impowered to ſet, or are hereby made payable or forfeited for the offences

Manner of adjourning and appointing others.

Notice to be given.

Commiſſioners to determine complaints.

offences whereof ſuch offenders ſhall be reſpectively convicted, by diſtreſs and ſale of the offenders goods and chattels, rendering the overplus to the offender or offenders, by warrant or warrants under the hands and ſeals of the ſaid commiſſioners, or any three or more of them, to be directed to the conſtables, tithingmen, or other peace officers of the ſeveral liberties or places wherein or near whereunto any ſuch goods or chattels by ſuch warrant directed to be diſtrained ſhall be; and all ſuch conſtables and other officers are hereby commanded to obey and execute ſuch warrants accordingly: provided that every perſon againſt whom any complaint or information ſhall be made or laid at any of the ſaid diſtrict meetings, ſhall have at leaſt ten days notice of ſuch complaint or information, under the hand of the clerk appointed, as herein after mentioned, to attend the ſaid commiſſioners at their reſpective diſtrict meetings.

Perſons aggrieved may appeal to a general meeting.

XVIII. Provided alſo, That it ſhall and may be lawful for any perſon whoſe fine, penalty, forfeiture, or damage adjudged againſt him at any of the ſaid diſtrict meetings, ſhall exceed the ſum of five pounds, and who ſhall think himſelf aggrieved thereby, to appeal to the next general meeting of the ſaid commiſſioners to be held after the expiration of twenty days from the time that the party aggrieved ſhall have notice of the adjudication of ſuch diſtrict meeting of the commiſſioners, at ſuch of the reſpective places herein before appointed for the holding of general meetings as ſhall be neareſt to the place where the matter of complaint ſhall originally ariſe (but not afterwards), upon giving ten days notice in writing of ſuch appeal to the party or parties appealed againſt, or leaving ſuch notice at his, her, or their laſt place of abode; and ſuch commiſſioners, at ſuch general meeting, ſhall hear and determine ſuch appeal, and give ſuch coſts to either party as they ſhall think reaſonable.

Commiſſioners impowered to take views;

XIX. *And whereas, for the more effectual putting the powers herein contained in execution, it may be frequently neceſſary to view the ſeveral cuts, pounds, locks, weirs, bucks, winches, turnpikes, dams, floodgates, and other engines, and the ſeveral towing-paths upon or near the ſaid rivers*; be it enacted by the authority aforeſaid, That the ſaid commiſſioners, or any three or more of them, at any of their general or diſtrict meetings, may appoint any number of commiſſioners (but not a leſs number than two) as they ſhall think fit, who are hereby authoriſed and impowered to go and view any cuts, pounds, locks, weirs, bucks, winches, turnpikes, dams, flood-gates, and other engines in, upon, near, or adjoining to the ſaid rivers, and likewiſe to view all towing-paths, gates, bridges, and places proper for the fixing a water-mark at all pounds, locks, weirs, bucks, winches, turnpikes, dams, flood-gates, and other engines, and to inquire into the eſtate, condition, reparation, and circumſtances thereof, and

and to inquire into the prices formerly paid to owners of locks, &c.

to inquire alſo by information upon oath (which ſhall be in the ſame words as the oath herein-before directed for the examination of witneſſes as aforeſaid, and which oath they are hereby impowered to adminiſter) what rates or prices have formerly been

been paid to or taken by the owners or proprietors of ſuch pounds, locks, weirs, bucks, winches, turnpikes, dams, flood-gates, or other engines in, upon, near, or adjoining to the ſaid rivers, or in any-wiſe affecting the ſame, as likewiſe by the owners of towing-paths adjoining to the ſaid rivers, and the ſeveral ſums that are now paid to or taken by ſuch owners, proprietors, or occupiers, from the ſeveral barge-maſters navigating on the ſaid rivers; which information or informations thus taken, ſhall be ſigned by two of the ſaid commiſſioners at leaſt, and ſhall be by them tranſmitted to or reported at the next general meeting of the ſaid commiſſioners, who, or any ſeven or more of them, ſhall make ſuch order and determination as ſhall to them ſeem juſt, ſo as ſuch order do not compel or oblige any ſuch owner or occupier to take leſs toll than he is now intitled to take and receive by virtue of any former act, or any order made by commiſſioners acting under or by virtue thereof, ten days notice in writing of ſuch information and intended order being firſt given to the perſon or perſons whom the ſame may concern, or left at his or their laſt place of abode.

Penalty on removing water-marks.

XX. And be it further enacted by the authority aforeſaid, That if it ſhall appear, either by view of any two or more of the ſaid commiſſioners, or upon complaint made on oath (to be taken and adminiſtered as herein-before directed) to any three or more of the ſaid commiſſioners, at any of the ſaid diſtrict meetings, that any owner, or occupier of any pound, lock, weir, turnpike, dam, or flood-gate, or any other perſon or perſons, hath removed any water-mark ſo as aforeſaid ſet and appointed by the ſaid commiſſioners, that the perſon or perſons removing the ſame ſhall forfeit and pay any ſum not exceeding fifty pounds, nor leſs than ten pounds; to be recovered at any of the ſaid meetings in a ſummary way, by any perſon or perſons who will complain or inform thereof, and levied by diſtreſs and ſale of the offender's goods and chattels in manner aforeſaid.

Commiſſioners to order diſtrict ſurveyors, &c. to open flood-gates, in caſe of an overflow,

XXI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any two of the ſaid commiſſioners, upon the complaint of and oath made by the general or diſtrict ſurveyor, or by any of the occupiers of the meadows above, that the water runs over the water-mark, and that their meadows are in danger of being overflowed, to ſend, under their reſpective hands and ſeals, a warrant, directed to the ſaid general or diſtrict ſurveyor, or to the conſtable or conſtables of the pariſh or place, or ſome neighbouring pariſh or place, thereby authoriſing and impowering him or them to give notice of ſuch complaint to the ſeveral tenants or occupiers of the ſaid pounds, locks, weirs, turnpikes, dams, and flood-gates; and on their refuſal to open the ſame, to compel the ſaid tenants or occupiers, of the ſaid pounds, locks, weirs, turnpikes, dams, and flood-gates, to open and keep open the ſame, as occaſion ſhall require, till the water is ſunk below the water-mark, and no longer; and if any damage ſhall be ſuſtained by the tenants or occupiers of ſuch meadows, occaſioned either by the occupiers or

and award ſatisfaction for damages done thereby.

or tenants of ſuch pounds, locks, weirs, bucks, turnpikes, dams, and flood-gates, penning the water above the water-mark, ſo as aforeſaid, ſet by the ſaid commiſſioners, or neglecting, or refuſing to open or keep open the ſame as aforeſaid, after ſuch notice as aforeſaid, any three or more of the ſaid commiſſioners ſhall, at any of their diſtrict meetings to be held as aforeſaid, within the ſpace of ten days next enſuing, on proof made on oath as aforeſaid of the damage or damages, order ſuch ſatisfaction as to them ſhall ſeem juſt: and if any of the tenants or occupiers of any pounds, locks, weirs, bucks, turnpikes, dams, or flood-gates, ſhall refuſe to pay ſuch ſum or ſums of money ſo ordered within three days after ſuch order made, and notice thereof given, he or they ſo refuſing ſhall forfeit the ſum of forty ſhillings, over and above the ſum and ſums ſo ordered; to be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant under the hands and ſeals of any three or more of the ſaid commiſſioners as aforeſaid.

Penalty on perſons refuſing to make ſatisfaction.

Commiſſioners to remove obſtructions.

XXII. *And whereas great nuiſances, annoyances, inconveniencies, and damages, do often happen on the ſaid navigation to light-loaded barges, boats, and other veſſels paſſing the ſame, by timber and deep-loaded barges, boats, and other veſſels lying acroſs or aground in the ſaid rivers, and by ſtones, dung, muck, and compoſt, and other nuiſances lying and being in the towing-paths, and other places belonging to the ſame, and thereby obſtructing and preventing the paſſage of ſuch light-loaded veſſels:* for remedy whereof, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any one or more of the ſaid commiſſioners, on his or their view, or on complaint thereof made to him or them by the ſaid general or diſtrict ſurveyor, or by the owners or navigators of light-loaded barges, boats, or other veſſels, to order the proprietors of ſuch timber, dung, muck, or compoſt as aforeſaid, and the owners or navigators of ſuch deep-loaded barges, boats, or other veſſels, (by warrant under his or their hand and ſeal or hands and ſeals), forthwith to remove ſuch obſtructions, by carrying away the ſame, or lightening their ſaid veſſels, or otherwiſe, in ſuch manner as the ſaid commiſſioner or commiſſioners ſhall think fit, and to ſuffer the ſaid light-loaded barges, boats, or other veſſels to paſs; and upon non-compliance with ſuch order, to aſſeſs and levy, by warrant under ſuch commiſſioner or commiſſioners hands and ſeals, or hand and ſeal, to be directed to the ſaid general ſurveyor, or to the conſtable or other peace officer of the pariſh or place wherein, or near to the place where ſuch complaint ſhall ariſe, ſuch penalty not being more than the ſum of ten pounds, nor leſs than the ſum of forty ſhillings, upon the goods and chattels of the offender and offenders, or the tackle belonging to his or their barge or barges, as the ſaid commiſſioner or commiſſioners ſhall think proper or adequate to the damage ſuſtained by the owner or owners of ſuch light-loaded barge, veſſel or veſſels, and to be paid to the treaſurer for the time being, and by him to the perſon or perſons ſuſtaining the damage, as the ſaid commiſſioner or commiſſioners ſhall direct.

XXIII.

Commissioners not to act where interested.

XXIII. Provided always, and be it further enacted, by the authority aforesaid, That no commissioner or commissioners shall act in the execution of this act, or any of the powers herein contained, where he or they is or are any ways particularly interested, under the penalty of one hundred pounds; to be levied by distress and sale of the offender's goods and chattels by warrant under the hands and seals of three or more of the other commissioners; which penalty or forfeiture shall and is hereby directed to go to the same uses as other penalties by this act are to be applied.

Provision for persons used to draw barges, and unable to gain a livelihood.

XXIV. *And forasmuch as the drawing barges by horses, instead of men, on all or many more banks than at present have horse towing-paths, may deprive many men who are now employed in drawing such barges of their usual livelihood, and as several such men are or may become, through sickness, age, or bodily infirmity, disabled from earning their daily bread by any other sort of labour,* be it enacted, That any seven or more commissioners, at any general meeting, may certify under their hands and seals to the treasurer of the said district, or to the general treasurer, the case of such disabled man, and the treasurer to whom such certificate shall be directed is hereby required to relieve the said disabled man, with such sum, not exceeding four shillings *per* week, as shall be directed or specified by the said commissioners, until the said certificate shall be revoked by them, or by any seven or more commissioners at any general meeting as aforesaid.

Wharfingers shall keep entries of all goods delivered;

which shall be forwarded according to priority of entry.

XXV. And be it further enacted, That every wharfinger upon the banks of the said rivers shall keep a book, wherein all goods shall be entered in the same order as they shall be brought to his wharf in order for carriage, and shall moreover give a receipt, if required, to the person delivering the same; and every barge-master carrying goods for hire, that loads from that wharf, shall deliver to the wharfinger in writing the name of the most distant place to which such barge shall or may be bound, and the bargemaster shall then take into his barge the goods which shall have been first entered at the said wharf, and consigned to the place so named as aforesaid, or to any other place or places not more than ten miles short of the same, without any other preference, (except as is herein after excepted) than the priority of entry in each wharfinger's book; which book the wharfinger is hereby required to shew to such bargemaster at the time of putting such goods on board his barge, and shall give a bill of lading for the same, expressing the time or times of entry, for which entry the said warfinger shall be paid one penny for every entry, and no more; and such wharfinger and bargemaster respectively shall forfeit any sum not exceeding five pounds, nor less than twenty shillings, on being convicted before any two commissioners of not having made due and regular entries, or of altering, or permitting to be altered, his or their book or books, in order to give undue preference, or of not shewing his book or books as aforesaid, or not giving such bills of lading, expressing the time or times of entry, or of not carry-

ing the goods according to priority of entry as aforeſaid; to be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant under the hands and ſeals of any two or more of the ſaid commiſſioners, one moiety of which penalty ſhall go the informer, and the other moiety to the perſon aggrieved.

Proviſo.

XXVI. Provided always, That no ſuch entry ſhall be made until ſuch goods ſo to be entered ſhall be actually brought to the wharf or warehouſe where the ſame are intended to be entered.

Rules for bargemaſters and wharfingers.

XXVII. Provided alſo, That in all caſes where any bargemaſter ſhall take and carry any goods or merchandiſe to any place or places whatſoever, over and above or for want of ſuch goods or merchandiſe as are herein before, in the firſt place, directed to be taken and carried, he ſhall take and carry the ſame to every ſuch place or places reſpectively, without other preferrence than the priority of entry in each wharfinger's book as aforeſaid, under the like penalties herein before mentioned, excepting always ſuch goods or merchandiſe as may be of a periſhable nature, which ſhall at all times be taken and carried in preference to any other ſpecies of goods or merchandiſe conſigned to the ſame place or places reſpectively; and upon complaint being made of any of the matters aforeſaid before any two commiſſioners, they are hereby impowered to ſummon any ſuch wharfinger to attend with his book or books of entry, and ſuch wharfinger is hereby required to attend accordingly; and in caſe ſuch wharfinger ſhall neglect to attend with his book or books according to ſuch ſummons, he ſhall forfeit any ſum not exceeding five pounds, nor leſs than twenty ſhillings; to be levied by diſtreſs and ſale of his goods and chattels.

Perſons under incapacity impowered to convey lands.

XXVIII. And be it further enacted by the authority aforeſaid, That after any houſes, meſſuages, mills, lands, tenements, and hereditaments ſhall be ſet out and aſcertained by the ſurveyor of the ſaid navigation as fit and neceſſary for the purpoſes before mentioned, it ſhall and may be lawful to all bodies politick, corporate or collegiate, corporations aggregate or ſole, huſbands, guardians, truſtees, feoffees in truſt, committees, executors, and adminiſtrators, and all other truſtees and perſons whatſoever, not only for or on behalf of themſelves, their heirs and ſucceſſors, but alſo for and on behalf of their ceſtuique truſts, whether infants, iſſue unborn, lunaticks, ideots, femes-covert, or other perſon or perſons, and to and for all femes-covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own right, and to and for every other perſon and perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any lands, tenements, tithes, or grounds which ſhall be ſo ſet out and aſcertained as aforeſaid, or any part thereof, to contract for, ſell, and convey unto the ſaid commiſſioners and their ſucceſſors, or to ſuch perſon or perſons as they ſhall nominate and appoint, for the uſe of the ſaid navigation, all or any part of ſuch meſſuages, mills, lands, tenements, tithes, and hereditaments, which ſhall, from time to time, be ſo ſet out and aſcertained as aforeſaid,

ſaid, either in conſideration of a ſum of money to be paid in groſs, or of an annual rent or payment to be charged and ſecured as is herein-after mentioned; and where, by making the ſaid navigation, or any alteration therein, the property of any land-owner ſhall be ſeparated into ſmall parcels, ſo as to render the occupation thereof inconvenient, it ſhall and may be lawful to and for ſuch bodies politick, corporate and collegiate, and other ſuch land owners, by and with the conſent of the ſaid commiſſioners, or any eleven of them, or the major part of them aſſembled at any general meeting, to be teſtified by any writing or writings to be by them ſealed and delivered in the preſence of and atteſted by two or more credible witneſſes, to contract for, ſell, and diſpoſe of, or to convey in exchange, in lieu of other lands, all or any part of ſuch lands and grounds through which the ſaid navigation ſhall paſs, to any perſon or perſons whomſoever, for ſuch price or prices in money, or other equivalent, as to the ſaid commiſſioners, or any eleven of them, or the major part of them aſſembled as aforeſaid, ſhall ſeem reaſonable; and that all ſuch contracts, agreements, ſales, conveyances, and aſſurances, ſhall be valid and effectual in the law to all intents and purpoſes whatſoever, any law, ſtatute, uſage, or cuſtom to the contrary thereof in any-wiſe notwithſtanding: and that all bodies politick, corporate or collegiate, and all perſons whomſoever ſo conveying or exchanging as aforeſaid, are hereby indemnified for what he, ſhe, or they, or any of them ſhall reſpectively do by virtue or in purſuance of this act: and that all ſuch contracts, agreements, ſales, conveyances, and aſſurances, other than thoſe which concern any purchaſe or exchange between any ſuch reſpective land-owners to be made as aforeſaid, ſhall, at the expence of the ſaid navigation, be inrolled by the clerk of the peace for the county wherein ſuch meſſuages, mills, lands, tenements, or hereditaments ſhall be ſituate reſpectively, and true copies thereof ſhall be allowed to be good evidence in all courts whatſoever; for which inrolment ſhall be paid to the aforeſaid officers reſpectively making the ſame the ſum of three-pence, and no more, for every two hundred words, and ſo in proportion for any greater or leſs number of words.

or to make exchanges.

Contracts to be inrolled and copies to be evidence.

XXIX. And be it further enacted by the authority aforeſaid, That if any ſuch corporation or perſon, upon notice to him, her, or them given, or left in writing at the dwelling-houſe or place of abode of ſuch perſon, or of the head officer of ſuch corporation, or at the houſe of the tenant in poſſeſſion of the meſſuages, mills, lands, tenements, or hereditaments aforeſaid, ſhall, by the ſpace of twenty-one days after ſuch notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the premiſes, or by reaſon of abſence ſhall be prevented from treating; then, and in every or any ſuch caſe, the ſaid commiſſioners, or any eleven or more of them, aſſembled as aforeſaid, ſhall cauſe to be inquired into, aſcertained, and aſſeſſed, by and upon the oaths of a jury of twelve indifferent men of the county wherein ſuch mills, meſſuages, lands, tenements, or hereditaments ſhall lie,

On refuſal to treat,

the value to be aſcertained by a jury.

lie, (which oath any one or more of the ſaid commiſſioners are hereby impowered to adminiſter) what damages will be ſuſtained by and what recompence ſhall be made to ſuch owners, proprietors, occupiers, or other perſons intereſted, for or upon account of the taking ſuch lands, tenements, or hereditaments into or for the uſe of the ſaid navigation, towing-paths, or other purpoſes before-mentioned: and in order thereto the ſaid commiſſioners, or any eleven or more of them, aſſembled as aforeſaid, are hereby impowered from time to time, as occaſion ſhall be, to order and cauſe the ſaid jury to view the ſaid places in queſtion, and uſe all lawful ways and means, as well for their own as the jury's information in the premiſes, as the commiſſioners, or any eleven or more of them, aſſembled as aforeſaid, ſhall think fit; and after the ſaid jury ſhall have inquired of, aſcertained, and aſſeſſed ſuch damage and recompence, they the ſaid commiſſioners, or any eleven or more of them, ſo aſſembled as aforeſaid, ſhall thereupon order, adjudge, and determine the ſaid ſum or ſums of money ſo aſſeſſed by the ſaid jury to be paid to the ſaid owners, proprietors, or occupiers of or other perſons intereſted in the ſaid lands, tenements, and hereditaments, according to ſuch verdict or inquiſition of the ſaid jury; which ſaid verdict or inquiſition, and judgement, order, or determination, ſo had and made, ſhall be final, binding, and concluſive, to all intents and purpoſes, againſt all parties and perſons whatſoever claiming in poſſeſſion, reverſion, remainder, or otherwiſe, their heirs and ſucceſſors, as well abſent as preſent, infants, femes-covert, ideots, lunaticks, ceſtuique truſts, and perſons under any other diſability whatſoever, corporations aggregate or ſole, eccleſiaſtical, civil, or eleemoſinary, as well as all and every other perſon or perſons whomſoever; and all and every ſuch owners, proprietors, and occupiers, and all and every perſon and perſons intereſted in ſuch lands, tenements, or hereditaments ſhall, upon payment or tender or the ſum or ſums of money ſo aſſeſſed as aforeſaid, be thereby and from thenceforth, to all intents and purpoſes, diveſted of all right, title, claim, intereſt, and property of, in, to, or out of the ſame: and for the ſummoning and returning ſuch jury or juries the ſaid commiſſioners, or any eleven or more of them, are hereby impowered to iſſue out their warrant to the ſheriff of the county wherein ſuch lands, tenements, or hereditaments ſhall lie, thereby commanding him to impanel, ſummon, and return twenty-four indifferent perſons to appear before the ſaid commiſſioners, or any eleven or more of them, at ſuch time and place as in ſuch warrant ſhall be appointed; and the ſaid ſheriff, or his deputy or deputies, is and are hereby required to impanel, ſummon, and return ſuch number accordingly; and out of the perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch ſummons, the ſaid commiſſioners, or any eleven of them, ſhall ſwear, or cauſe to be ſworn, twelve, to be drawn by ballot out of the ſaid twenty-four; and in default of a ſufficient number of perſons ſo impanelled, the ſaid

Sheriffs to ſummon juries.

ſheriff, or his deputy or deputies, ſhall return other honeſt and indifferent men of the ſtanders-by, or that can ſpeedily be procured to attend that ſervice, who ſhall be ſworn in like manner, till the number twelve be completed, which twelve ſhall be the jury for the purpoſes aforeſaid; and all perſons concerned ſhall have their lawful challenges againſt any of the ſaid jurymen when they come to be ſworn; and the ſaid commiſſioners, or any eleven or more of them, acting in the premiſes, ſhall have full power, from time to time, to impoſe any reaſonable fine on ſuch ſheriff, or his deputy or deputies, bailiffs or agents, making default in the premiſes, and on any of the perſons who ſhall be ſummoned and returned on ſuch jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid jury, or being ſo ſworn ſhall refuſe to give or not give their verdict, or in any other manner wilfully neglect their duty therein, contrary to the true intent and meaning of this act, and on any of the perſons who, being required to give evidence before the ſaid jury touching the premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give evidence; and, from time to time, to recover, levy, and apply ſuch fine or fines in the ſame manner as any other forfeiture or penalty is by this act directed to be recovered, levied, and applied, ſo as that no ſuch fine ſhall exceed the ſum of five pounds upon any one perſon, for one offence.

Jurymen may be challenged.

Sheriffs, &c. neglecting duty, to be fined.

XXX. And be it further enacted by the authority aforeſaid, That in caſe any ſuch jury ſhall give in and deliver a verdict or aſſeſſment for more monies as a recompence for the right, intereſt, or property, of any perſon or perſons in any ſuch lands, tenements, or hereditaments, or for any ſuch loſs or damage than what ſhall have been agreed to and offered by the ſaid commiſſioners, or any eleven or more of them, before the ſummoning and returning the ſaid jury, as a recompence or ſatisfaction for any ſuch right, intereſt, or property, or loſs or damage as aforeſaid; that then, and in ſuch caſe, the coſts and expences of ſummoning and maintaining the ſaid jury and witneſſes ſhall be borne and paid by the ſaid commiſſioners, or any eleven or more of them, out of the profits of the ſaid navigation, or out of any money to be borrowed upon the credit thereof; but if any ſuch jury ſhall give and deliver a verdict or aſſeſſment for no more or for leſs monies than ſhall have been agreed to and offered by the ſaid commiſſioners, or any eleven or more of them, before the ſummoning and returning the ſaid jury, as a recompence or ſatisfaction for any ſuch right, intereſt, or property in, or loſs or damage as aforeſaid, that then the coſts and expences of ſummoning and maintaining the ſaid jury and witneſſes ſhall be borne and paid by the perſon or perſons with whom the ſaid commiſſioners ſhall have ſuch controverſy or diſpute.

How the expences of juries ſhall be defrayed.

XXXI. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to authoriſe and impower the ſaid commiſſioners to compel or oblige the owner or propietor of any garden, orchard, yard, park, paddock, incloſed lawn,

Commiſſioners not to make towing-paths, banks, &c. without

consent of proprietors.

lawn, or planted avenue to any houſe, which have been reſpectively uſed as ſuch, ſix months before the paſſing of this act, (except ſuch where towing-paths are now uſed) or the owner or proprietor of any meſſuage or tenement erected or built, or begun to be erected or built, ſix months before the paſſing of this act, to pull down, let, ſell, or convey, ſuch meſſuage, tenement, garden, orchard, yard, park, paddock, incloſed lawn, or avenue, or any part thereof, to the ſaid commiſſioners, or any other perſon or perſons; nor ſhall any thing in this act contained impower the ſaid commiſſioners to make any new towing-path, bank, cut, road, bridge, wharf, lock, weir, buck, winch, ſpike, dam, flood-gate, pound, turnpike, toll-gate, or engine over, upon, or through any garden, orchard, yard, park, paddock, incloſed lawn, or planted avenue to any houſe, without the conſent of the owner or proprietor thereof.

To prevent making towing-paths through Mr. Mitchell's eſtate.

XXXII. Provided always, and be it enacted by the authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the ſaid commiſſioners, or any of them, to make, or cauſe to be made, any new towing-paths or landing-places over or through any lands or grounds now belonging to *Richard Mitchell* eſquire of *Culham Court* in the pariſh of *Wargrave*, in the county of *Berks*; nor to build any bridge on, nor to ſtation any boat or float within two hundred yards of any iſland or lands belonging to the ſaid *Richard Mitchell*; any thing herein contained to the contrary notwithſtanding.

Upon payment of the money aſſeſſed, the premiſes to veſt in the commiſſioners.

XXXIII. And be it further enacted by the authority aforeſaid, That all and every ſum and ſums of money ſo aſſeſſed as aforeſaid, is and are hereby charged upon the monies which ſhall be raiſed by virtue of this act, and ſhall be paid thereout accordingly by the ſaid commiſſioners, or any ſeven or more of them, or their treaſurer, to the perſons reſpectively intitled thereto, or to their agents; and that upon payment thereof to ſuch perſons, or their agents, or upon leaving the ſame in the hands of the treaſurer to the ſaid commiſſioners, for the uſe of ſuch perſons, or their agents reſpectively, ſuch lands, tenements, and hereditaments, ſhall by the ſaid commiſſioners, their ſurveyor or ſurveyors, workmen or agents, be taken for the uſe of the ſaid navigation and purpoſes before mentioned.

Veſſels not to draw more than three feet of water.

XXXIV. And be it enacted by the authority aforeſaid, That no barge, boat, or veſſel, ſhall draw more than three feet of water; which depth ſhall be aſcertained by a ſtrait white line, one inch broad, extending from head to ſtern, on each ſide of every barge, boat, or veſſel; and if it ſhall appear to any two or more of the ſaid commiſſioners, upon the oath of one or more credible witneſs or witneſſes, (which oath the ſaid two or more commiſſioners are hereby impowered to adminiſter) that any perſon or perſons hath or have navigated his or their barge drawing more than three feet of water, or that he or they hath or have not the ſaid white line on each ſide of his barge, every ſuch perſon and perſons ſo offending, and being thereof duly con-

convicted by the ſaid commiſſioners, ſhall forfeit and pay not more that twenty pounds, nor leſs than five pounds; to be levied by diſtreſs and ſale of the offender's goods and chattels, rendering the overplus (if any ſuch there be) to the owner, after the charges attending ſuch diſtreſs and ſale ſhall be deducted.

Not to extend to barges, &c. not navigated beyond the flux of the tide.

XXXV. Provided always, That nothing relating to the draught of water that ſuch barges, boats, or veſſels, are to draw, or the mark of any line on ſuch barge, boat, or veſſel, ſhall extend, or be conſtrued to extend, to any barge, boat, or veſſel, that ſhall not be navigated beyond the flux of the tide.

Commiſſioners orders how to be ſigned.

XXXVI. And be it further enacted by the authority aforeſaid, That all the orders of the ſaid commiſſioners ſhall be ſigned by ſuch number of commiſſioners as are herein before impowered to make the ſame, and ſhall be kept by the clerks to ſuch commiſſioners; and that ſuch clerks ſhall permit the ſame to be inſpected by all perſons deſiring the ſame at convenient times, and ſhall deliver copies thereof, or of any part thereof, to any perſon deſiring the ſame, taking for the ſearches one ſhilling for each ſearch; and for copies thereof, any ſum not exceeding the rate of three-pence for every two hundred words.

Rules, &c. made by the commiſſioners to be tranſmitted to the ſeveral clerks of the peace, and admitted as evidence.

XXXVII. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That all ſuch rules, orders, conſtitutions, and aſſeſſments, as ſhall be made by the ſaid commiſſioners, or ſuch number of them as are hereby impowered to make the ſame, ſhall be, from time to time, fairly written in a book or books to be kept for that purpoſe; and the ſame, or a copy thereof, ſigned by the clerk or clerks to the ſaid commiſſioners reſpectively, who hath or have the cuſtody thereof, ſhall be taken, adjudged, and deemed good and ſufficient evidence in all caſes whatſoever.

Owners of veſſels ſubject to damages done by the crew.

XXXVIII. *And, for the further preventing the damages and miſchiefs done and committed by diſorderly perſons rowing, managing, haling, or towing the ſaid barges, boats, and other veſſels, either with men or horſes, and that the owners of ſuch barges, boats, and veſſels, may be more careful to prevent the ſame,* be it enacted by the authority aforeſaid, That every barge-maſter, or the maſter of any boat or veſſel, and owner of any barge, boat, and veſſel, ſhall be, and is hereby made anſwerable and reſponſible for any damage or miſchief that ſhall be done or committed by his or their barge, boat, or veſſel, or by the whole or any of the crew of his or their ſaid barge, boat, or veſſel, or by perſons ordinarily belonging to and going with ſuch barge, boat, or veſſel, either to the goods and commodities with which ſuch barge, boat, or veſſel, is laden; or by fiſhing with nets, or otherwiſe; or by ſhooting with guns, or taking or deſtroying any fiſh or fowl; or to any of the pounds, locks, lock-tackle, weirs, bucks, winches, turnpikes, dams, flood-gates, or other engines; or to any bridge, land, tree, meadow, or ground, in and upon the ſaid rivers, or bordering or near adjoining thereto, either with men or horſes; and the ſaid barge-maſters, barge-owners,

and the maſters and owners of any boat or veſſel ſhall be, and are hereby made liable to make good all ſuch damages to be committed as aforeſaid, and ſhall and may be ſued and proſecuted for the ſame by action of treſpaſs or otherwiſe: and if it ſhall appear that ſuch treſpaſs or damage was done by any of the perſons belonging to or employed in the barge or other veſſel, whereof ſuch perſon or perſons was or were maſter or maſters, owner or owners, ſuch maſter or maſters, owner or owners, ſhall be found guilty, and the plaintiff or plaintiffs ſhall recover his or their damages thereby ſuſtained, with his or their full coſts of ſuit; any law or uſage to the contrary notwithſtanding.

Officers to give ſecurity.

XXXIX. And be it further enacted by the authority aforeſaid, That all and every officer and officers, or other perſon or perſons whatſoever, concerned in the receipt of any of the ſums by this act appropriated to the uſes aforeſaid, before he or they ſhall be admitted to take upon him or them the execution of any of ſuch office or offices, he or they ſhall be bound, with ſufficient ſureties, to the ſaid commiſſioners and their ſucceſſors, for the juſt and faithful execution of ſuch office or employment, in ſuch ſum or ſums as by the ſaid commiſſioners, or any ſeven or more of them, ſhall be thought fitting.

Money may be borrowed.

XL. *And, foraſmuch as the money to be collected by the receipt of the rates, tolls, or duties, granted by this act, will not be ſufficient for the ſpeedy improving and completing of the ſaid navigation, and other the purpoſes of this act*; be it further enacted by the authority aforeſaid, That the ſaid commiſſioners, or any eleven or more of them, ſhall and may, and they are hereby impowered, from time to time, by any writing under their hands and ſeals, to aſſign over the ſaid locks, turnpikes, toll-houſes, rates, tolls, and duties, ariſing by virtue of this act, or any of them, or any part of them, but without prejudice to the owners and occupiers of locks, bucks, weirs, and winches, now in the ſaid rivers, or to the tolls payable and to be paid in reſpect thereof, the coſts, charges, and expences of aſſigning the ſame to be borne and paid out of ſuch tolls or duties, for any time or term during the continuance of this act, as a ſecurity or ſecurities for any ſum or ſums of money to be borrowed by the ſaid commiſſioners, to ſuch perſon or perſons, or their truſtees, who ſhall advance and lend the ſame, to ſecure the repayment thereof, with legal or leſs intereſt.

Notice to be given of borrowing money.

XLI. Provided always, That no money ſhall be borrowed by the ſaid commiſſioners on the credit of any of the ſaid rates, tolls, or duties, after their firſt meeting, unleſs notice be for that purpoſe given in the *Oxford* and *Reading* news-papers, on in the *London Gazette*, and alſo fixed in writing, under the hand or hands of the clerk or clerks to the ſaid commiſſioners, at or upon all the locks or turnpike gates then erected or made by virtue of this act, at leaſt twenty days before the borrowing of ſuch money.

Annuities not to exceed 10l.

XLII. And be it further enacted, That it ſhall and may be lawful to and for any perſon or perſons, to contribute, advance, and

pay into the hands of the ſaid treaſurer or treaſurers, to be appointed as aforeſaid, any ſum or ſums of money, for the abſolute purchaſe of one or more annuity or annuities, to be paid and payable during the full term of the natural life of every ſuch contributor reſpectively, or the natural life of ſuch other perſon as ſhall be nominated by or on the behalf of ſuch reſpective contributor at the time of payment of his or her reſpective contribution-money; which annuity or annuities ſhall not exceed the rate of ten pounds *per annum* for every one hundred pounds, and ſo in proportion for any greater or leſs ſum to be advanced and paid as aforeſaid; and ſhall be payable and paid by the ſaid treaſurer or treaſurers by quarterly payments in the year; the firſt of ſuch payments to begin and be made to the reſpective purchaſers and their aſſigns, at the expiration of the firſt three calendar months next after payment of his or her reſpective purchaſe-money: which annuities ſhall be publickly ſold to the beſt bidder for the ſame, on twenty-one days notice thereof being firſt given in the *Oxford* and *Reading* news-papers, or in the *London Gazette*, and a like notice affixed upon ſuch publick places as the ſaid commiſſioners, or any eleven or more of them, ſhall direct; which money ſo to be borrowed, either by way of mortgage, or by granting annuities, ſhall not exceed the ſum of fifty thouſand pounds, and ſhall be applied and diſpoſed of as the ſaid rates, tolls, and duties, are by this act directed to be applied and diſpoſed of, and to no other uſe or purpoſe whatſoever.

per cent. per ann.

Annuities may be ſold.

Money borrowed not to exceed 50,000 l.

XLIII. Provided always, and it is hereby further enacted and declared, That ſuch ſum and ſums of money as ſhall be raiſed by annuities, in manner herein mentioned, and applied to the diſcharge of the money ſo borrowed upon the credit of the ſaid tolls, and the intereſt for the ſame, ſhall not be deemed or taken to be, any part of the ſaid fifty thouſand pounds.

Proviſo.

XLIV. *And, for the better aſcertaining and regulating the payment of the ſaid annuities*, be it further enacted by the authority aforeſaid, That the ſaid commiſſioners, or any eleven or more of them, ſhall, by warrants under their hands and ſeals (directed to ſuch perſon or perſons as ſhall be choſen and appointed treaſurer or treaſurers in manner herein before mentioned), order and direct, from time to time, the ſeveral quarterly payments of the ſaid annuities to the reſpective proprietors, as the ſame ſhall become due; which ſaid treaſurer or treaſurers is and are hereby required, upon receipt of ſuch warrant or warrants, forthwith to pay the ſame out of the firſt monies which ſhall be in his or their hands, in purſuance of this act; which warrants ſhall be allowed in account to him or them on making up his or their accounts.

Annuities how to be paid.

XLV. And it is hereby further enacted by the authority aforeſaid, That there ſhall be provided and kept a book or books, in which ſhall be fairly written, in words at length, the names and ſurnames, with the proper additions and places of abode of all ſuch perſons who ſhall be purchaſers of any of the annuities afore-

Entries to be kept.

aforeſaid, and of all perſons by whoſe hands the ſaid purchaſers ſhall pay in any ſum or ſums of money upon the credit of this act, and alſo the ſum and ſums ſo paid for the purchaſe of ſuch annuity or annuities, and the reſpective days of payment thereof; and alſo an account of the intereſt that ſhall be paid to the ſaid annuitant or annuitants, from time to time, and by whom received, to which book and books it ſhall be lawful for the ſaid reſpective purchaſers, their executors, adminiſtrators, and aſſigns, agent or agents, from time to time, and at all ſeaſonable times, to have recourſe to, and inſpect the ſame, without fee or reward.

Annuities not ſubject to land-tax or other tax.

XLVI. And be it further enacted by the authority aforeſaid, That all and every of the annuities ſo to be purchaſed under and by virtue of this act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from time to time, out of the monies ariſing by virtue of this act; and all and every the contributor and contributors upon the credit of this act, duly paying the conſideration or purchaſe-money for any ſuch annuities as aforeſaid, or ſuch perſon or perſons as he, ſhe, or they ſhall appoint, his, her, or their reſpective aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this act, to have, receive, and enjoy the ſaid reſpective annuity or annuities, during the term of the natural life of the perſon to be nominated by each ſuch purchaſer or contributor as above mentioned; and that all and every ſuch purchaſer and purchaſers, and their aſſigns reſpectively, ſhall have good, ſure, abſolute, indefeaſible perſonal eſtates, and intereſts in the annuities ſo by them reſpectively purchaſed, according to the tenor and true meaning of this act; and that none of the ſaid annuities ſhall be ſubject and liable to the tax charged upon lands by authority of parliament, or to any other parliamentary or parochial tax whatſoever.

Receipts to be given.

XLVII. And be it further enacted by the authority aforeſaid, That every contributor upon this act for the purchaſe of any ſuch annuity or annuities as aforeſaid, his, her, or their aſſigns, upon payment of the conſideration or purchaſe-money for the ſame, or any part or proportion thereof, ſhall have one or more receipt or receipts from the perſon or perſons receiving the ſame, importing the receipt of ſo much purchaſe-money as ſhall be ſo paid; and upon payment of the remainder of ſuch purchaſe-money, if any, every ſuch contributor, his or her aſſigns reſpectively, ſhall have an order on parchment or vellum for payment of the ſaid annuity or annuities, for and during the life of ſuch perſon as ſhall be nominated by ſuch contributor or purchaſer as aforeſaid; which order ſhall be ſigned by the ſaid commiſſioners, or any eleven or more of them, at any quarterly or ordinary meeting aſſembled; and after ſigning thereof, the ſame ſhall be firm, good, valid, and effectual in the law, according to the purport and true meaning thereof, and of this act.

Aſſignments to be entered in a book.

XLVIII. And be it further enacted, That all and every the aſſignment and aſſignments ſo to be made and granted by the ſaid

ſaid commiſſioners, as aforeſaid, ſhall be entered at length in a book or books to be kept for that purpoſe by the ſaid clerk or clerks, treaſurer or treaſurers, to the ſaid commiſſioners; which ſaid book or books ſhall and may be ſeen and peruſed by any perſon or perſons intereſted or concerned therein, without fee or reward.

Aſſignments may be tranſferred.

XLIX. And be it further enacted, That all and every perſon or perſons to whom any ſuch aſſignment or aſſignments ſhall be made by the ſaid commiſſioners, their executors, adminiſtrators or aſſigns, ſhall and may, from time to time, by proper words of aſſignment to be indorſed on the back of his, her, or their ſecurity or ſecurities, or otherwiſe, aſſign or transfer his, her, or their right to the principal and intereſt money thereby ſecured, or any part thereof, to any other perſon or perſons whomſoever; which ſaid transfer or aſſignment ſhall be produced and notified to the ſaid clerk or clerks, treaſurer or treaſurers appointed, or to be appointed, by the ſaid commiſſioners, or any ſeven or more of them, within fourteen days after the date thereof, who ſhall cauſe an entry or memorial to be made of ſuch aſſignment or transfer, containing the date, parties, and ſum of money therein mentioned to be transferred in the ſaid book or books to be kept for entering the ſaid original aſſignments, for which the ſaid clerk or clerks, treaſurer or treaſurers ſhall be paid the ſum of two ſhillings and ſixpence, and no more; and after ſuch entry made, ſuch aſſignment or transfer ſhall intitle ſuch aſſignee, his, her, and their executors and adminiſtrators, to the benefit thereof and payment thereon, and ſuch aſſignee may, in like manner, aſſign again, and ſo *toties quoties*; and after ſuch notification it ſhall not be in the power of ſuch perſon or perſons who ſhall have made ſuch aſſignments or transfers to make void, releaſe, or diſcharge the original ſecurity, or any monies thereby due, or any part thereof.

Not to prejudice the juriſdiction of the city of London, &c.

L. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to take away any rights, juriſdiction, power, or authority of the mayor, commonalty, and citizens of the city of *London*, or any other body politick or corporate, or other perſon or perſons whatſoever, or to enable the commiſſioners to erect weirs, locks, turnpikes, or toll-gates within the liberties or juriſdiction of the city of *London*.

Writings to be without ſtamps.

LI. Provided always, and be it further enacted by the authority aforeſaid, That no nomination, appointment, information, order, judgement, conviction, warrant, or other writing whatſoever, under the hand and ſeal or hands and ſeals, or only ſigned by any commiſſioner or commiſſioners for putting this act in execution, or any juſtice or juſtices of the peace, or exhibited before them, or any of them, touching, concerning, or in the execution of any power or authority hereby veſted in ſuch commiſſioners or juſtices of the peace, or any of them, ſhall be charged or chargeable with any ſtamp-duty whatſoever.

Limitation of actions.

LII. And be it enacted and declared, by the authority aforeſaid, That if any action ſhall be brought or ſuit commenced againſt

gainſt any perſon or perſons for any thing done in purſuance of this act, every ſuch action or ſuit ſhall be brought or commenced in the county or place where the cauſe of action or ſuit ſhall ariſe, and not elſewhere, and within the ſpace of ſix calendar months next after the cauſe of action ſhall accrue, and not afterwards; and the defendant or defendants in ſuch action or ſuit may plead the general iſſue, and give this act and the ſpecial matter in evidence, at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act: and if the ſame ſhall appear to have been ſo done, or if any ſuch action or ſuit ſhall be brought or commenced after the time before limited for bringing or commencing the ſame, or ſhall be brought or commenced in any other county or place; then, and in ſuch caſe, the jury ſhall find for the defendant or defendants; and in ſuch caſe, or if the plaintiff or plaintiffs ſhall become nonſuit, or ſuffer a diſcontinuance of his, her, or their action or actions, or if any verdict ſhall paſs againſt the plaintiff or plaintiffs, or if, upon demurrer, judgement ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants ſhall and may recover treble coſts, and ſhall have the like remedy for the ſame as any defendant or defendants hath or have for coſts of ſuit in other caſes by law.

General iſſue.

Treble coſts.

Expences of paſſing the act how to be paid.

LIII. And be it enacted by the authority aforeſaid, That the coſts and charges of obtaining this act ſhall be paid by the general treaſurer of the ſaid navigation, appointed, as herein before directed, out of the firſt money that ſhall be paid into his hands in purſuance and according to the directions of this act, to *Thomas Walker* eſquire, town clerk of the city of *Oxford*, his executors or adminiſtrators, upon his or their producing to ſuch treaſurer a bill of coſts and diſburſements on account of paſſing this act, ſigned by any ſeven of the ſaid commiſſioners, or their certificate or allowance thereof; and the ſaid treaſurer of the ſaid navigation is required to pay the ſame accordingly on ſight of ſuch bill, certificate, or allowance, ſo as aforeſaid ſigned; and the receipts of the ſaid *Thomas Walker*, his executors or adminiſtrators, ſhall be good and ſufficient vouchers to ſuch treaſurer, and allowed in his accounts for what he ſhall ſo, as aforeſaid, pay to the ſaid *Thomas Walker*, his executors or adminiſtrators, in purſuance of this act.

Fines, &c. how to be recovered.

LIV. And be it further enacted, That all fines and forfeitures inflicted by this act, or by any rules, bye-laws, or conſtitutions to be made by the ſaid commiſſioners, or any ſeven or more of them, by the authority thereof, the levying and recovering of which ſaid fines and forfeitures are not herein before particularly directed, ſhall be levied by warrant under the hand and ſeal or hands and ſeals of one or more juſtice or juſtices of the peace of the county where the offence ſhall be committed, for which ſuch fine or forfeiture is inflicted; which ſaid juſtice or juſtices is and are hereby authoriſed, within the limits of their reſpective juriſdictions, to hear and examine witneſſes upon oath, and determine the ſame; and may, according to his or their diſcretion, mi-

mitigate any fine or forfeiture herein before allowed to be mitigated; and all ſuch reſpective fines, forfeitures, and penalties by this act impoſed and inflicted, or authoriſed to be impoſed and afflicted, the application whereof is not herein before particularly directed, ſhall be paid into the hands of the treaſurer or receiver of the monies to be raiſed by virtue of this act, and ſhall be applied and diſpoſed of for the uſe of the ſaid navigation, and to and for no other uſe or purpoſe whatſoever.

Allowing appeals to the quarter-ſeſſions.

LV. Provided always, That any perſon or perſons thinking himſelf or themſelves aggrieved by any order or judgement made or given in purſuance of any rule, bye-law, or conſtitution of the ſaid commiſſioners, or by the order or determination of any of the ſaid commiſſioners, may, within three calendar months after ſuch order ſhall have been made, and notice given, complain to the juſtices of the peace at their general quarter ſeſſions to be held in and for the ſaid counties of *Middleſex*, *Surrey*, *Bucks*, *Berks*, *Oxford*, or *Wilts* reſpectively, where the cauſe of appeal ſhall ariſe, and not elſewhere, who ſhall, in a ſummary way, either hear and determine the ſaid complaint at ſuch general or quarter ſeſſions, or if they think proper adjourn the hearing thereof to the next general or quarter ſeſſion of the peace to be held for the ſaid counties reſpectively; and if they ſee cauſe, may mitigate any forfeiture or fine, and may order any money to be returned, which ſhall have been levied in purſuance of ſuch rule, bye-law, order, or determination, and may alſo order ſuch further ſatisfaction to the party injured as they ſhall think reaſonable.

Publick act.

LVI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed a publick act; and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and other perſons, without ſpecially pleading the ſame.

CAP. XLVI.

An act for paving, and keeping in repair, the ſtreets, lanes, and paſſages, in the pariſh of Saint Luke, in the county of Middleſex; for removing obſtructions and annoyances therein; and for widening the paſſages at the weſt end of Chiſwell-ſtreet, and at the ſouth end of Brick-lane, in the ſaid pariſh; and for other purpoſes therein mentioned.

CAP. XLVII.

An act for granting to his Majeſty a certain ſum of money, to be raiſed by a lottery.

Moſt gracious Sovereign,

Preamble.

650,000 l. to be raiſed by a lottery, to conſiſt of 50,000 tic-

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Great Britain, *in parliament aſſembled, towards raiſing the neceſſary ſupplies to defray your Majeſty's publick expences, have freely reſolved to give and grant unto your Majeſty the ſum of ſix hundred and fifty thouſand pounds, to be raiſed by a lottery, to conſiſt of fifty thouſand tickets, at thirteen pounds each, in ſuch manner as is herein after directed and appointed: and whereas, purſuant to and upon*

kets, at 13 l. each. *upon the ſeveral terms and conditions expreſſed in the ſaid reſolution, ſeveral perſons have, in books opened at the bank of* England *for that purpoſe, ſubſcribed together the whole of the ſaid ſum of ſix hundred and fifty thouſand pounds, and made depoſits with the caſhier or caſhiers of the governor and company of the bank of* England *of one pound in reſpect of every ſuch ticket, your faithful commons do therefore moſt humbly beſeech your Majeſty that it may be enacted*; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for all perſons, natives or foreigners, bodies politick or corporate, who, in purſuance of the ſaid reſolution, ſhall have, on or before the eighteenth day of *April*, one thouſand ſeven hundred and ſeventy-one, ſubſcribed towards the ſaid ſum of ſix hundred and fifty thouſand pounds, and made, in reſpect thereof, ſuch depoſit as aforeſaid, to advance and pay, and they or their executors, adminiſtrators, ſucceſſors, and aſſigns, are hereby required to advance and pay, unto the caſhier or caſhiers of the ſaid governor and company of the bank of *England*, (which caſhier and caſhiers is and are hereby appointed the receiver or receivers of ſuch contributions, without any other warrant to be had on that behalf) the remaining ſum of twelve pounds in reſpect of each ticket ſubſcribed for towards raiſing the ſaid ſum of ſix hundred and fifty thouſand pounds, on or before the reſpective days, and in the proportions herein-after limited and appointed on that behalf; (that is to ſay) for and in reſpect of each and every ſuch ticket in the ſaid lottery the further ſum of two pounds, being part of the ſum ſo remaining unpaid on or before the ſeventh day of *June*, one thouſand ſeven hundred and ſeventy-one; the further ſum of three pounds, other part thereof, on or before the tenth day of *July* then next following; the further ſum of three pounds, other part thereof, on or before the twenty-firſt day of *Auguſt* then next following; and the remaining ſum of four pounds on or before the third day of *October* then next following: and that every ſuch contributor or adventurer in the ſaid lottery, for every ſum of thirteen pounds which he or ſhe ſhall have ſo advanced, ſhall be intitled to ſuch lot or ſhare upon each fortunate ticket belonging to him or her as is herein after mentioned.

Subſcribers to pay in reſpect of each ticket,

2 l. by June 7, 1771.

3 l. by July 10.

3 l. by Aug. 21.

4 l. by Oct. 3.

II. And be it further enacted by the authority aforeſaid, That all ſuch ſubſcribers or adventurers, their executors, adminiſtrators, ſucceſſors, and aſſigns, paying in the whole of the ſums by them reſpectively ſubſcribed, or which they ſhall be reſpectively liable to pay towards the ſaid ſum of ſix hundred and fifty thouſand pounds, on or before the fifteenth day of *Auguſt*, one thouſand ſeven hundred and ſeventy-one, ſhall be allowed an intereſt by way of diſcount, after the rate of three pounds *per centum per annum*, on the monies ſo to be paid by them for completing their contributions reſpectively, to be computed from the day of completing the ſame to the third day of *October*, one thou-

Contributors paying in the whole of their ſubſcriptions by Aug. 13, 1771, ſhall be allowed intereſt, after the rate of 3 l. per cent. to Oct. 3, 1771.

thouſand ſeven hundred and ſeventy-one; which allowances ſhall be paid by the ſaid caſhier or caſhiers out of the monies ſo contributed reſpectively, as ſoon as ſuch ſubſcribers or adventurers, their executors, adminiſtrators, ſucceſſors, or aſſigns, ſhall have completed ſuch reſpective payments; and that all the ſaid contributors or adventurers, their executors, adminiſtrators, ſucceſſors, or aſſigns, paying in the whole of their monies to be by them reſpectively contributed towards the ſaid ſum of ſix hundred and fifty thouſand pounds, ſhall have lottery tickets delivered to them, to the amount of the ſeveral ſums ſo by them paid, for the purchaſe thereof, at the rate of thirteen pounds for each ticket, as ſoon as ſuch tickets can conveniently be made out.

Caſhiers to give ſecurities to the commiſſioners of the treaſury, for their paying the monies into the exchequer.

III. Provided always, That ſuch caſhier or caſhiers ſhall give ſecurity, to the good liking of any three or more of the commiſſioners of the treaſury, or the high treaſurer for the time being, for duly anſwering and paying into the receipt of his Majeſty's exchequer, for the publick uſe, all the monies which he or they hath or have already received, and ſhall hereafter receive, from time to time, of and for the ſaid ſum of ſix hundred and fifty thouſand pounds, and for accounting duly for the ſame, and for performance of the truſt hereby in him and them repoſed; and ſhall, from time to time, pay all ſuch monies as ſoon as he or they ſhall receive the ſame, or any part thereof, or within five days afterwards at the fartheſt, into, and ſhall account for the ſame in the exchequer, according to the due courſe thereof, deducting thereout ſuch ſums as ſhall have been paid by him or them in purſuance of this act; for which ſums ſo paid allowance ſhall be made in his or their accounts.

Treaſury to apply the money to the ſervices voted this ſeſſion.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for three or more of the commiſſioners of the treaſury, or the high treaſurer for the time being, to iſſue and apply, from time to time, all ſuch ſums of money as ſhall be ſo paid into the receipt of his Majeſty's exchequer by the ſaid caſhier or caſhiers, to ſuch ſervices as ſhall then have been voted by the commons of *Great Britain* in this preſent ſeſſion of parliament.

500,000l. to be divided into prizes;

out of which a deduction to be made after the rate of 10l. for every 100l.

and paid into the bank, out of the ſupplies granted this ſeſſion.

V. And be it further enacted by the authority aforeſaid, That the ſum of five hundred thouſand pounds, part of the ſaid ſum of ſix hundred and fifty thouſand pounds, ſhall be divided into prizes to be drawn in the ſaid lottery, in ſuch manner as is by this act appointed and directed; from each of which prizes there ſhall ſeverally be a deduction after the rate of ten pounds for every one hundred pounds; and that the ſums remaining, after ſuch deductions as aforeſaid, ſhall be payable out of all or any the aids or ſupplies granted in this ſeſſion of parliament, in ſuch manner as is herein after mentioned; and the commiſſioners of his Majeſty's treaſury, or any three or more of them, or the high treaſurer for the time being, is or are hereby required and authoriſed, by warrant or warrants under his or their hand or hands, to cauſe the amount of the ſaid ſeveral prizes,

prizes, after making ſuch deductions aforeſaid, to be iſſued and paid out of the ſaid aids or ſupplies to the governor and company of the bank of *England*, to be by them diſtributed and paid to and amongſt the reſpective proprietors of the ſeveral fortunate tickets, in the manner herein after mentioned and directed, as ſoon as certificates can be made out for the ſums due in reſpect of the ſame.

Managers and directors of the lottery to be appointed by the treaſury.

VI. *And, for eſtabliſhing a proper method for drawing the ſaid lottery*, be it further enacted by the authority aforeſaid, That ſuch perſons as the commiſſioners of his Majeſty's treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commiſſioners of the treaſury for the time being, ſhall nominate or appoint, ſhall be managers and directors for preparing and delivering out tickets, and to overſee the drawing of lots, and to order, do, and perform ſuch other matters and things as are hereafter in and by this act directed and appointed by ſuch managers and directors to be done and performed; and that ſuch managers and directors ſhall meet together, from time to time, at ſome publick office or place, for the execution of the powers and truſts in them repoſed by this act; and that the ſaid managers and directors, or ſo many of them as ſhall be preſent at any ſuch meeting, or the major part of them, ſhall cauſe books to be prepared, in which every leaf ſhall be divided or diſtinguiſhed into three columns; and upon the innermoſt of the ſaid three columns there ſhall be printed fifty thouſand tickets, to be numbered one, two, three, and ſo onwards in an arithmetical progreſſion, where the common exceſs is to be one, until they riſe to and for the number of fifty thouſand; and upon the middle column in every of the ſaid books ſhall be printed fifty thouſand tickets of the ſame breadth and form, and numbered in like manner; and in the extreme column of the ſaid books there ſhall be printed a third rank or ſeries of tickets, of the ſame number with thoſe of the oher wo columns; which tickets ſhall ſeverally be of an oblong figure, and in the ſaid books ſhall be joined with oblique lines, flouriſhes, or devices, in ſuch manner as the ſaid managers and directors, or the major part of them, ſhall think moſt ſafe and convenient; and that every ticket in the third or extreme column of the ſaid books ſhall have written or printed thereupon (beſides the number of ſuch ticket) words or figures to this effect:

Method of the lottery books.

Ticket.

LOTTERY for the year one thouſand ſeven hundred and ſeventy-one.

THE *bearer of this ticket will, in purſuance of an act made in the eleventh year of his preſent Majeſty's reign, be intitled to ſuch beneficial chance as ſhall belong thereto, in the lottery to be drawn by virtue and under the directions of the ſaid act.*

Managers to examine the books with the

VII. And it is hereby enacted, That the ſaid managers and directors, or ſo many of them as ſhall be preſent at any ſuch meeting,

meeting, or the major part of them ſo preſent, ſhall carefully examine all the ſaid books with the tickets therein, and take care that the ſame be contrived, numbered, and made, according to the true intent and meaning of this act; and ſhall deliver, or cauſe to be delivered, the ſame books, and every or any of them, as they ſhall be examined, to the caſhier or caſhiers of the governor and company of the bank of *England*, taking from ſuch caſhier or caſhiers an acknowledgement in writing, under his or their hand or hands, importing his or their receipt of ſuch book or books, and ſo many tickets therein as ſhall be delivered to him or them reſpectively, that ſo the ſaid caſhier or caſhiers may be charged to anſwer thirteen pounds for every one of the tickets in the extreme columns which ſhall be delivered to him or them, or for ſo many of them as he or they ſhall not deliver back to the ſaid managers and directors; and all and every ſuch caſhier or caſhiers reſpectively is and are hereby directed and required, upon his or their receipt of every or any intire ſum of thirteen pounds in full payment for a ticket from any perſon or perſons reſpectively contributing, or adventuring, as aforeſaid, from time to time, to cut out of the ſaid book or books ſo to be put into his or their cuſtody, through the ſaid oblique lines, flouriſhes, or devices, indentwiſe, in the ſaid extreme columns, ſuch tickets as ſhall be neceſſary to be delivered to the ſeveral perſons intitled thereto as aforeſaid; which tickets the ſaid caſhier or caſhiers ſhall ſign with his or their own name or names; and he or they ſhall permit the reſpective perſon or perſons ſo intitled, if it be deſired, to write his or her name or mark on the correſponding tickets in the ſame book or books; and at the ſame time the ſaid caſhier or caſhiers ſhall deliver to ſuch perſon or perſons the ticket or tickets ſo cut off, which he, ſhe, or they, are to keep and uſe for the better aſcertaining and ſecuring the intereſt which he, ſhe, or they, his, her, or their executors, adminiſtrators, ſucceſſors, or aſſigns, ſhall or may have in the drawing of the ſaid lottery.

tickets, and deliver them after to the caſhiers of the bank, taking a receipt for the ſame.

VIII. And be it further enacted by the authority aforeſaid, That the ſaid caſhier or caſhiers, on or before the fourteenth day of *October*, one thouſand ſeven hundred and ſeventy-one, ſhall redeliver to the ſaid managers and directors, at their ſaid office or place of meeting, all the ſaid books, and therein all the tickets which the ſaid caſhier or caſhiers ſhall not have cut out of the ſame, and delivered to the perſons intitled thereto as aforeſaid; and ſhall then and there alſo deliver to the ſaid managers and directors a true and juſt account in writing, under his or their hand or hands, of all ſums of money accrued or come to the hands of ſuch caſhier or caſhiers by or for the tickets delivered, or to be delivered out purſuant to this act, and how the ſame, or how much thereof, ſhall have been actually paid by ſuch caſhier or caſhiers into the receipt of the *Exchequer* for the purpoſes herein mentioned; and that the ſaid managers and

Caſhiers to return the books, with the undiſpoſed tickets, with an account of the monies paid in.

Undiſpoſed tickets to be

delivered into the exchequer.

and directors, or the major part of them which ſhall be preſent as aforeſaid, ſhall forthwith cauſe all the tickets of the ſaid outermoſt columns which ſhall not have been delivered to the contributors and adventurers as aforeſaid (if any ſuch be) to be delivered into the receipt of his Majeſty's exchequer, there to be retained and kept as caſh, to be iſſued, ſold, and diſpoſed of for raiſing money for the purpoſes in this act mentioned, as any three of the commiſſioners of his Majeſty's treaſury, or the high treaſurer for the time being, ſhall judge fitting.

Tickets of the middle columns to be rolled up, and faſtened with ſilk;

and cut off indentwiſe into a box marked with the letter (A).

IX. And be it further enacted, That the ſaid managers and directors, or the major part of them which ſhall be preſent at a meeting as aforeſaid, ſhall cauſe all the tickets of the middle columns in the books made out with three columns as aforeſaid, which ſhall be delivered back to them by or from the ſaid caſhier or caſhiers as aforeſaid, to be carefully rolled up and made faſt with thread or ſilk; and the ſaid managers and directors, or the major part of them as aforeſaid, ſhall, in their preſence, and in the preſence of ſuch contributors or adventurers as will be there, cauſe all the ſaid tickets which are to be ſo rolled up and made faſt as aforeſaid, to be cut off indentwiſe through the ſaid oblique lines, flouriſhes, or devices, into a box to be prepared for that purpoſe, and to be marked with the letter (*A*); which is preſently to be put up into another ſtrong box, and to be locked up with ſeven different locks and keys, to be kept by as many of the ſaid managers and directors, and ſealed with their ſeals, or the ſeals of ſome of them, until the ſaid tickets are to be drawn, as is herein-after mentioned; and that the tickets in the firſt or innermoſt columns of the ſaid books ſhall remain ſtill in the books for diſcovering any miſtake or fraud, (if any ſuch ſhould happen to be committed) contrary to the true meaning of this act.

Box to be locked up and ſealed.

Books to be prepared with two columns, on each of which 50,000 tickets to be printed.

X. And be it further enacted by the authority aforeſaid, That the ſaid managers and directors, or the major part of them which ſhall be preſent at any meeting as aforeſaid, ſhall alſo prepare, or cauſe to be prepared, other books, in which every leaf ſhall be divided or diſtinguiſhed into two columns; and upon the innermoſt of thoſe two columns there ſhall be printed fifty thouſand tickets, and upon the outermoſt of the ſaid two columns there ſhall be printed fifty thouſand tickets; all which ſhall be of equal length and breadth, as near as may be; which two columns in the ſaid books ſhall be joined with ſome flouriſh or device through which the outermoſt tickets may be cut off indentwiſe; and that ſixteen thouſand ſix hundred and ninety tickets, part of thoſe contained in the outermoſt columns of the books laſt mentioned, ſhall be and be called the fortunate tickets, to which benefits ſhall belong, as is herein-after mentioned: and the ſaid managers and directors, or the major part of them, or ſuch of them as ſhall be preſent at a meeting as aforeſaid, ſhall cauſe the ſaid fortunate tickets to be written upon, or otherwiſe expreſſed, as well in figures as in words at length, in manner following; (that is to ſay) upon two of them ſeverally,

The number

twenty

twenty thouſand pounds principal money; upon every one of three of them ſeverally, ten thouſand pounds principal money; upon every one of five of them ſeverally, five thouſand pounds principal money; upon every one of ten of them ſeverally, two thouſand pounds principal money; upon every one of fifteen of them ſeverally, one thouſand pounds principal money; upon every one of thirty of them ſeverally, five hundred pounds principal money; upon every one of one hundred of them ſeverally, one hundred pounds principal money; upon every one of two hundred and fifty of them ſeverally, fifty pounds principal money; and upon every one of ſixteen thouſand two hundred and ſeventy-five of them ſeverally, twenty pounds principal money: which principal ſums ſo to be written, or otherwiſe expreſſed, upon the ſaid fortunate tickets, together with one thouſand pounds principal money to be allowed to the owner of the firſt-drawn ticket upon each of the firſt ſix days of the drawing of the ſaid lottery, and one thouſand pounds principal money to the owner of the laſt drawn ticket, over and above the benefits which may happen to belong to the ſeven laſt-mentioned tickets, or any of them, will amount, in the whole, to the ſum of four hundred and fifty thouſand pounds: which ſaid ſum of four hundred and fifty thouſand pounds, and no more, is to be paid at the bank of *England* to the proprietors of the ſaid fortunate tickets, in proportion to their reſpective intereſts therein, in ſuch manner as is appointed by this act; and the ſaid managers and directors, or the major part of them who ſhall be preſent at a meeting as aforeſaid, ſhall cauſe all the ſaid tickets contained in the outer-moſt columns of the ſaid laſt-mentioned books, to be, in the preſence of the ſaid managers and directors, or the major part of them which ſhall be preſent at a meeting as aforeſaid, and in the preſence of ſuch contributors or adventurers as will then be there, to be carefully rolled up and faſtened with thread or ſilk, and carefully cut out indentwiſe, through the ſaid flouriſh or device, into another box to be prepared for this purpoſe, and to be marked with the letter *(B)*; which box ſhall be put into another ſtrong box, and locked up with ſeven different locks and keys, to be kept by as many of the ſaid managers, and ſealed up with their ſeals, or the ſeals of ſome of them, until theſe tickets ſhall alſo be drawn in the manner and form herein-after mentioned; and that the whole buſineſs of rolling up, and cutting off, and putting into the ſaid boxes the ſaid tickets, and locking up and ſealing the ſaid boxes, ſhall be performed by the ſaid managers and directors, or ſuch of them as aforeſaid, before the laſt ſix days immediately preceding the day by this act appointed for the drawing the ſaid lottery: and, to the end every perſon concerned may be well aſſured that the counterpart of the ſame number with his or her ticket is put into the box marked with the letter *(A,)* from whence the ſame may be drawn, and that other matters are done as hereby directed, ſome publick notification in print ſhall be given of the preciſe time or times of putting the ſaid tickets into the ſaid boxes, to the end that

and value of the fortunate tickets.

1000l. to the firſt-drawn ticket, &c.

and 1000l. to the laſt-drawn.

Tickets of the outermoſt columns of the laſt-mentioned book to be rolled up and tied,

and cut out indentwiſe into a box marked with the letter (B).

Box to be locked up and ſealed.

Buſineſs of rolling up the tickets, &c. to be performed within ſix days preceding the drawing.

Public notice to be given of putting the tickets into the boxes.

that ſuch contributors or adventurers as ſhall be minded to ſee the ſame done, may be preſent at the doing thereof.

Lottery to begin drawing on 19 Nov. 1771.

XI. And be it further enacted by the authority aforeſaid, That on or before the eighteenth day of *November*, one thouſand ſeven hundred and ſeventy-one, the ſaid managers and directors ſhall cauſe the ſaid ſeveral boxes, with all the tickets therein, to be brought into the *Guildhall* of the city of *London*, ſo that the ſame may be there and placed on a table provided for that purpoſe, by nine of the clock in the forenoon of the ſame day; and ſhall then and there ſeverally attend this ſervice, and cauſe the two boxes containing the ſaid tickets to be ſeverally taken out of the other two boxes in which they ſhall have been locked up; and the tickets or lots in the reſpective innermoſt boxes, being in the preſence of the ſaid managers and directors, or ſuch of them as ſhall be then preſent, and of ſuch contributors or adventurers as will be there for the ſatisfaction of themſelves, well ſhaken and mingled in each box diſtinctly, ſome one indifferent and fit perſon, to be appointed and directed by the ſaid managers, or the major part of them, or ſuch of them as ſhall be then preſent, ſhall take out and draw one ticket from the box where the ſaid numbered tickets ſhall be as aforeſaid put, and one other indifferent and fit perſon, to be appointed and directed in like manner, ſhall take out a ticket or lot from the box where the ſaid ſixteen thouſand ſix hundred and ninety fortunate, and thirty-three thouſand three hundred and ten blank tickets ſhall be promiſcuouſly put as aforeſaid; and immediately both the tickets ſo drawn ſhall be opened, and the number as well of the fortunate as the blank ticket ſhall be named aloud; and if the ticket taken or drawn from the box containing the fortunate and blank lots, ſhall appear to be a blank, then the numbered ticket ſo drawn with the ſaid blank at the ſame time drawn, ſhall both be put upon one file; and if the ticket ſo drawn or taken from the box containing the fortunate and blank lots ſhall appear to be one of the fortunate tickets, then the principal ſum written upon ſuch fortunate ticket, whatſoever it be, ſhall be entered by a clerk, which the ſaid managers, or the major part of them as aforeſaid ſhall employ and overſee for this purpoſe, into a book to be kept for entering the numbers coming up with the ſaid fortunate tickets, and the principal ſums whereunto they ſhall be intitled reſpectively, and two of the ſaid managers ſhall ſet their names as witneſſes to ſuch entries; and the ſaid fortunate and numbered tickets ſo drawn together, ſhall be put upon another file; and ſo the ſaid drawing of the tickets ſhall continue, by taking one ticket at a time out of each box, and with opening, naming aloud, and filing the ſame, and by entering the fortunate lots in ſuch method as is before mentioned, until the whole number of ſixteen thouſand ſix hundred and ninety fortunate tickets, and one more for the laſt-drawn as aforeſaid, ſhall be completely drawn: and as the ſame cannot be performed in one day's time, the ſaid managers and directors ſhall cauſe the boxes to be locked up and ſealed in manner as aforeſaid, and adjourn

Method to be obſerved in drawing, &c.

After each day's drawing, the boxes

adjourn till the next day, and ſo from day to day, and every day (except *Sundays*, *Chriſtmas-day*, thankſgiving and faſt-days) and then open the ſame, and proceed as above, till the ſaid whole number of ſixteen thouſand ſix hundred and ninety fortunate tickets, and one more, ſhall be completely drawn as aforeſaid; and afterwards the ſaid numbered tickets ſo drawn, with the fortunate tickets drawn againſt the ſame, ſhall be and remain in a ſtrong box locked up as aforeſaid, and under the cuſtody of the ſaid managers, until they ſhall take them out to examine, adjuſt, and ſettle the property thereof. to be locked up and ſealed.

XII. *And, to the end the fortunate may know whether abſent or preſent, to what degree they have been ſo*, be it enacted, That the ſaid managers ſhall, as ſoon as conveniently may be after the ſaid drawing is over, cauſe to be printed and publiſhed the number of the tickets drawn againſt each fortunate ticket, and the principal ſum written on the ſame; and if any contention or diſpute ſhall ariſe in the adjuſting the property of the ſaid fortunate tickets, the major part of the ſaid managers agreeing therein ſhall determine to whom it doth or ought to belong: and if any perſon or perſons ſhall forge or counterfeit, or cauſe or procure to be forged or counterfeited, or willingly act or aſſiſt in the forging or counterfeiting any ticket or tickets, certificate or certificates, order or orders made forth by virtue of this preſent act, or any former act, made for eſtabliſhing any lottery or lotteries, or alter any number, figure, or word therein, or utter, vend, barter, or diſpoſe of any ſuch falſe, altered, forged or counterfeit ticket or tickets, certificate or certificates, order or orders, or ſhall bring any ſuch forged or counterfeit ticket, certificate, or order, or any ſuch ticket, certificate or order, the number whereof, or any figure or word therein, ſhall have been altered, (knowing the ſame to be ſuch) to the ſaid managers, or any of them, or to the caſhier or caſhiers or accomptant-general of the bank of *England* for the time being, or to any other perſon or perſons whatſoever, with a fraudulent intention; or ſhall willingly aid, abet, aſſiſt, hire, or command, any perſon or perſons to commit any ſuch offence or offences as aforeſaid; then, and in every ſuch caſe, all and every ſuch perſon or perſons, being thereof convicted in due form of law, ſhall be adjudged a felon, and ſhall ſuffer death as in caſes of felony, without benefit of clergy: and the ſaid managers and directors, or any two or more of them, are hereby authoriſed, required, and impowered, to cauſe any perſon or perſons bringing or uttering ſuch forged or counterfeit ticket or tickets, certificate or certificates as aforeſaid, or aiding, abetting, aſſiſting, hiring, or commanding, any perſon or perſons therein, to be apprehended, and to commit him, her, or them, to his Majeſty's gaol of *Newgate*, or to the common gaol of the county or place where ſuch perſon or perſons ſhall be ſo apprehended, to be proceeded againſt for the ſaid felony according to law.

Number of the fortunate tickets and the ſums, to be printed.

Diſputes relating hereto, to be adjuſted by the managers.

Penalty of forging, &c. tickets or certificates,

Felony.

XIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons who ſhall commit any ſuch offence

Offenders, being out of

prison, discovering persons guilty, to be free, and have 50l. reward.

fence or offences as aforesaid, or be aiding, abetting, assisting, hireing, or commanding any person or persons therein, shall afterwards, being out of prison, discover any one or more person or persons, who already have, or hereafter shall commit, or be aiding, abetting, or concerned in any such offence or offences as aforesaid, so as such person or persons so discovered be lawfully convicted of the same, such discoverer shall have, and is hereby intitled to his Majesty's most gracious pardon, for such his or her offences; and moreover, shall be intitled to a reward of fifty pounds lawful money of *Great Britain* for every such offender so convicted; to be paid out of the monies arising by virtue of this act, or any other the aids or supplies granted in this session of parliament, immediately upon such conviction as aforesaid.

Proviso.

XIV. Provided always, and it is hereby further enacted by the authority aforesaid, That no attainder for any the offences aforesaid shall make or work any corruption of blood, loss of dower, or disherison of heirs.

Managers to be sworn.

XV. Provided always, and it is hereby enacted by the authority aforesaid, That every person that shall be appointed as aforesaid to be a manager and director for putting this act in execution, before his acting in such commission (except the administering the oath immediately herein after mentioned) shall take the oath following; that is to say,

The oath.

I A. B. *as a manager and director of the lottery to be drawn in pursuance of an act of parliament made in the eleventh year of his Majesty's reign, do swear, that I will faithfully execute the trust reposed in me; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot therein, for myself, or any other person whatsoever; and that I will do the utmost of my endeavour to prevent any undue or sinister practice to be done by any person whatsoever; and that I will, to the best of my judgement, declare to whom any prize, lot, or ticket, of right does belong, according to the true intent and meaning of the said act.*

which said oath shall and may be administered by any two or more of the other managers and directors.

Cashier to receive the sums subscribed, before receiving the lottery book;

XVI. Provided always, That it shall and may be lawful to and for the said cashier or cashiers, having given security as aforesaid, at any time or times before such cashier or cashiers shall have received any book or books for the said lottery from the said managers comprehending the said fifty thousand tickets in three columns as aforesaid, to receive from the said contributors, or adventurers, or their executors, administrators, successors, or assigns, the monies to be by them respectively paid on account of the said lottery at one intire payment, or in such proportions and manner as aforesaid, before such cashier or cashiers shall have received such book or books; and the said cashier or cashiers shall give a note or receipt under his or their

and to give a note for the same;

hand

hand or hands for the ſum or ſums ſo paid; and ſhall be obliged thereby, and by this act, to give the bearer of every ſuch note or receipt a ticket or tickets of the extreme column of the three columns, book or books aforeſaid, for every thirteen pounds ſo contributed, paid, or anſwered, as ſoon as he or they ſhall be enabled thereunto by delivery of any ſuch book or books to him or them from the ſaid managers as aforeſaid; any thing herein contained to the contrary notwithſtanding.

the bearers intitled thereupon to one lottery ticket for every 13l. ſo paid.

XVII. Provided alſo, That in caſe any ſuch contributor or adventurer as aforeſaid, who ſhall have advanced and paid down to ſuch caſhier or caſhiers a proportion of his, her, or their conſideration-money towards the ſaid lottery, his, her, or their executors, adminiſtrators, ſucceſſors or aſſigns do not advance and pay unto ſuch caſhier or caſhiers the remaining part of his, her, or their conſideration-money ſo to be paid in full for ſuch ticket or tickets as aforeſaid, on or before the times for paying thereof as aforeſaid; that then, and in every ſuch caſe, every ſuch contributor, or adventurer, ſhall forfeit and loſe to his Majeſty, for the uſe of the publick, the proportion of his, her, or their purchaſe-money which he, ſhe, or they, ſhall have ſo paid down as aforeſaid towards the lottery; and in ſuch caſe, no ticket or tickets ſhall be delivered out by the ſaid caſhier or caſhiers to ſuch contributor or contributors, adventurer, or adventurers, making ſuch default; but the ticket and tickets which ſhould have been delivered to them reſpectively, had they paid the full money for the ſame, ſhall be returned and delivered to the ſaid managers and directors by the ſaid caſhier or caſhiers, together with the other tickets (if any) in the outermoſt column of the book and books firſt herein mentioned and directed to be prepared, which ſhall not have been diſpoſed of as aforeſaid; and ſuch ticket and tickets, upon and for which defaults of payments ſhall have been made as aforeſaid, ſhall be delivered into the receipt of his Majeſty's exchequer, with other the ſaid undiſpoſed tickets (if any) there to be retained and kept as caſh, and to be iſſued, ſold, and diſpoſed of for the purpoſes and in the manner herein before directed and appointed with reſpect to the ſaid undiſpoſed tickets; and the ſaid contributor and contributors, adventurer and adventurers, making ſuch default, ſhall not have or receive, or be intitled to have or receive, any benefit or advantage for or in reſpect of the money which he, ſhe, or they, ſhall have paid for or towards the purchaſe of ſuch ticket or tickets; any thing herein contained to the contrary notwithſtanding.

Contributors not making good their payments within the times limited, forfeit their depoſits with reſpect to the lottery; and the tickets for ſuch ſums to be delivered back into the exchequer.

XVIII. Provided alſo, and it is hereby enacted by the authority aforeſaid, That out of the monies to ariſe by the contributions to the ſaid lottery, it ſhall and may be lawful to and for any three or more of the commiſſioners of the treaſury, or the high treaſurer for the time being, to reward the ſaid managers and directors, and the clerks and officers to be employed by and under them, and any other officers and perſons

Treaſury to pay the managers, and defray the incidental expences.

ſons that ſhall and may be any ways employed in this affair, for their labour and pains, and to diſcharge ſuch incident expences as ſhall neceſſarily attend the execution of this act, in ſuch manner as any three or more of the commiſſioners of the treaſury, or the high treaſurer for the time being, ſhall, from time to time, think fit and reaſonable in this act contained to the contrary notwithſtanding.

Limitation of the ſale of chances, &c.

XIX. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall ſell the chance or chances of any ticket or tickets in the ſaid lottery, or any ſhare or ſhares of any ticket or tickets in the ſaid lottery, for a day, or part of a day, or for a longer time leſs than the whole time of drawing the lottery then to come; or ſhall receive any money whatſoever in conſideration of the repayment of any ſum or ſums of money, in caſe any ticket or tickets in the ſaid lottery ſhall prove fortunate; or ſhall lay any wager relating to the drawing of any ticket or tickets in the ſaid lottery, either as to the time of ſuch ticket or tickets being drawn, or whether ſuch ticket or tickets

Penalty.

be drawn fortunate or unfortunate; and all and every perſon and perſons who ſhall offend in any of the ſaid matters, ſhall forfeit and pay treble the ſum and ſums of money which ſhall have been received by ſuch perſon and perſons, contrary to the true intent and meaning of this act; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, in which no eſſoin, protection, privilege, or wager of law, or more than one imparlance ſhall be allowed; one moiety whereof to be for the uſe of his Majeſty, his heirs or ſucceſſors, and the other moiety to be paid to the perſon or perſons who ſhall ſue for the ſame; and every ſuch ſale, wager, or contract, and every agreement relating thereto, ſhall be, and is hereby declared null and void.

Office-keepers, &c. ſelling ſhares in tickets of which they are not poſſeſſed,

XX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall keep any office or offices, or ſhall print or publiſh any ſcheme or propoſal for receiving any ſum or ſums of money, in conſideration of any intereſt to be granted for the ſame, in any ticket or tickets in the ſaid lottery, whereof ſuch perſon or perſons ſhall not then, and at the actual time of drawing ſuch ticket or tickets, be poſſeſſed, or in conſideration of any ſum or ſums of money to be repaid, in caſe any ticket or number of tickets in the ſaid lottery, which ſhall not then, and at the actual time of drawing the ſaid tieket or tickets, be in the poſſeſſion of ſuch perſon or perſons, ſhall prove fortu-

forfeit 500l.

nate or unfortunate; all and every ſuch perſon and perſons ſhall forfeit and pay the ſum of five hundred pounds; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, in which no eſſoin, protection, wager of law, or more than one imparlance, ſhall be allowed; one moiety whereof, to be for the uſe of his Majeſty, his heirs or ſucceſſors, and the other moiety to be paid to the perſon or perſons who ſhall ſue for the ſame; and alſo ſhall ſuffer three months impriſonment without bail or mainprize.

XXI. And

Offences committed in Ireland against acts for preventing unlawful lotteries, made punishable, and the penalties may be sued for in Dublin.

XXI. And be it further enacted by the authority aforesaid, That if any offence against this act, or any of the acts of parliament made in this kingdom for preventing private and unlawful lotteries, shall be committed in *Ireland*, the offender shall incur the like penalty and punishment, to be inflicted in like manner as if the offence was committed in this kingdom; and that such penalties as by this act, or any of the said acts, are directed to be recovered in any of his Majesty's courts of record at *Westminster*, shall, in case of offences committed against this act, or any of the said acts, in *Ireland*, be recovered in any of his Majesty's courts of record in *Dublin*.

The sum of 450,000l. payable in respect of the fortunate tickets, is charged upon the aids in general granted this session; and to be paid at the bank without deduction.

XXII. And be it further enacted by the authority aforesaid, That the sum of four hundred and fifty thousand pounds as aforesaid, to be paid for and in respect of all the said fortunate tickets, shall be, and is hereby charged upon, and shall be issued and paid out of all or any the aids or supplies granted in this session of parliament, for the service of the year one thousand seven hundred and seventy-one, in manner herein before mentioned, and shall be paid, upon demand, by the said governor and company of the bank of *England*, in money, without any further or other deduction whatsoever to the respective proprietors of such fortunate tickets, on the first day of *March*, one thousand seven hundred and seventy-two, or as soon thereafter as certificates can be made out for ascertaining, in manner herein after mentioned, the sums to be paid upon the said tickets; which tickets, after the drawing of the said lottery is completed and ended, shall be exchanged for certificates, to be signed by such of the said managers as shall be appointed for that purpose.

After the drawing of the lottery, the tickets to be exchanged for certificates.

Managers to give notice of the time for taking in the tickets, and delivering out the certificates, &c.

XXIII. *And, to the end that all and every the payments upon the fortunate tickets may be more easily ascertained, settled, and adjusted, for the persons who shall become intitled thereunto*, be it further enacted, That such of the said managers as any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall appoint to take in the said fortunate tickets, and deliver out the said certificates for and in lieu thereof, shall, as soon as may be, give notice by advertisement, to be printed and published in manner as they shall think fit, of the days and times for taking in the said fortunate tickets, and delivering out of the said certificates, for and in lieu of the same; and every certificate shall be numbered in course according to the bringing the tickets to the managers so to be appointed for exchanging the same; to which purpose such managers shall enter, or cause to be entered, in a book or books to be by them kept for that purpose, the name of every person who shall bring any such fortunate ticket or tickets to be exchanged for such certificate or certificates, and the number or numbers of the fortunate ticket or tickets which shall be so brought, the value in money payable thereupon, and the day of the month and the year of our lord when the same was so brought; which book and books shall lie open in the office to be appointed for taking in the said tickets to be exchanged for such certificates, for all persons concerned

Certificates to be numbered.

Books to be kept for entering the names of persons bringing tickets to be exchanged, &c.

Certificates to be ſigned, &c.

cerned to peruſe; all which certificates ſhall be ſigned by the managers ſo to be appointed, or the major part of them, and be directed to the chief caſhier or caſhiers of the bank of *England*.

Treaſury to diſcharge all incident charges attending the execution of this act.

XXIV. Provided always, and be it enacted by the authority aforeſaid, That out of the monies to be received in purſuance of this act, or out of any the aids or ſupplies granted in this ſeſſion of parliament, for the ſervice of the year one thouſand ſeven hundred and ſeventy-one, any three or more of the commiſſioners of the treaſury, or the high treaſurer for the time being, ſhall have power to diſcharge all ſuch incident charges, not hereby otherwiſe provided for, as ſhall neceſſarily attend the execution of this act, in ſuch manner as to them ſhall ſeem juſt and reaſonable, and alſo to ſettle and appoint ſuch allowances as ſhall be thought proper for the ſervice, pains, and labour, of the ſaid caſhier or caſhiers, and any other perſon or perſons for receiving, paying, and accounting for the ſaid contributions, and for performing the truſt hereby repoſed in him or them; all which allowances to be made as aforeſaid in reſpect of the ſervice, pains, and labour, of any officer or officers of the ſaid governor and company, ſhall be for the uſe and benefit of the ſaid governor and company, and at their diſpoſal only.

No fee to be taken for receiving or paying the contribution-monies, or for iſſuing receipts or monies,

on penalty of 20 l.

XXV. And be it further enacted, That no fee, reward, or gratuity whatſoever, ſhall be demanded or taken of any of his Majeſty's ſubjects for receiving or paying the ſaid contribution-monies, or any of them, or for any tallies or receipts concerning the ſame, or for iſſuing the monies payable in reſpect of the ſaid fortunate tickets, upon pain that any officer or perſon offending by taking or demanding any ſuch fee, reward, or gratuity, ſhall, for every ſuch offence, forfeit the ſum of twenty pounds to the party aggrieved, with full coſts of ſuit; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law, injunction, or order of reſtraint, or any more than one imparlance ſhall be granted or allowed.

General iſſue.

Treble coſts.

XXVI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or proſecuted, for any thing done by virtue or in purſuance of this act, ſuch perſon or perſons ſhall and may plead the general iſſue, and give this act and the ſpecial matter in evidence in his, her, or their defence or defences; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall diſcontinue his, her, or their action or proſecution, or be nonſuited, or judgement ſhall be given againſt him, her, or them, upon demurrer, or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts awarded to him, her, or them, againſt any ſuch plaintiff or plaintiffs.

CAP.

CAP. XLVIII.

An act for granting to his Majeſty a certain ſum of money out of the ſinking fund; and for applying certain monies therein mentioned, for the ſervice of the year one thouſand ſeven hundred and ſeventy-one; and for further appropriating the ſupplies granted in this ſeſſion of parliament, for carrying to the aggregate fund a ſum of money which hath ariſen by the two-ſevenths exciſe, and for enabling the commiſſioners for executing the office of treaſurer of his Majeſty's exchequer, or the lord high treaſurer for the time being, to pay to John Dobſon, owner of the Greenland ſhip lord Molyneux, the bounty due for the ſaid ſhip on the laſt year's fiſhery.

Preamble. 1,650,000l. granted out of the ſinking fund, for the ſervice of the current year; to be iſſued by the treaſury accordingly. Treaſury impowered to raiſe the ſaid ſum, or any part thereof, by loans or exchequer bills, on the credit of the ſinking fund; and to ſtrike tallies of loan, with orders for repayment of the money ſo advanced; and intereſt payable quarterly. Orders to be regiſtered in courſe. No undue preference to be given in payment, nor fee to be taken; on forfeiture of treble damages, with full coſts. Penalty of undue preference in point of regiſtry or payment. Auditor, &c. neglecting his duty, liable for damages, &c. to be recovered in any of the courts of record at Weſtminſter. No undue preference in the regiſtering, where tallies or orders are brought the ſame day; nor if ſubſequent orders are paid before others not brought in courſe, ſo as money be reſerved for the precedent orders. Power of aſſignment, and method of transferring of orders. If it ſhall be judged more adviſeable, the treaſury may raiſe the ſaid ſum by exchequer bills, inſtead of loans; the bills in ſuch caſe to be made as thoſe preſcribed by the malt act of this ſeſſion. All advantages and penalties in the malt act of this ſeſſion, relating to loans or exchequer bills thereby authoriſed to be made forth, extended to this act. The ſaid exchequer bills, intereſt, and charges, are to be paid out of the ſinking fund. Bank authoriſed to lend the ſaid ſum, notwithſtanding act 5 and 6 Gul. & Mariæ. The ſum of 691,977l. 7s. 9d. ſurplus of the ſinking fund in the exchequer on 5 April 1771; and 20,000l. 1s. 6d. 2q. remaining in the exchequer on 5 April 1771, and 89,658l. 16s. 9d. 1q. directed by act of laſt ſeſſion; 400,000l. by act 9 Geo. 3. to be paid by the Eaſt India company; and ſuch monies as ſhall be paid into the exchequer between 4 April 1771, and 5 April 1772, of the duties on gum ſenega and gum arabic, charged by act 5 Geo. 3. to be applied for the ſervice of the current year. 20,000l. out of the monies paid into the exchequer, on 5 April 1772, being the produce of duties reſerved towards expence of defending, &c. the Britiſh colonies in America, &c. be applied towards making good the ſum granted for maintaining the garriſons in the plantations, and for proviſions for the forces in North America, Nova Scotia, Newfoundland, and the Ceded Iſlands. Appropriation of the ſupplies. The monies ariſing by the malt tax, land tax, loans, lottery, and 691,977l. 7s. 9d. remaining in the exchequer on 5 April 1771, ſurplus of the ſinking fund; and 20,000l. 1s. 6d. 2q. ſurpluſſes remaining on 5 April 1771; and 89,658l. 16s. 9d. 1q. remaining in the exchequer, and 400,000l. by act 9 Geo. 3. and ſuch monies as ſhall be paid into the exchequer between 4 April 1771, and 5 April 1772, of the produce of the duties on gum ſenega and gum Arabic; and 1,650,000l. granted by this act out of the ſinking fund, together with the reſidue of the monies ariſing from the ſale of French prizes taken before the declaration of war; and alſo ſuch monies as his Majeſty ſhall direct, out of monies ariſing by ſale of Ceded lands in the Weſt Indies, viz. out of the aforeſaid aids, 2,882,499l. 18s. 7d. towards naval ſervices herein ſpecified; 200,000l. towards paying off the debt of the navy; 259,074l. 16s. 11d. for charges of the office of ordnance 35,443l. 7d. to the ſaid office, for ſervices performed in 1770, not provided for. 1,790,319l. 13s. 1d. and one eighth of a penny, towards the land forces and other ſervices in general; of which 720,629l. 12s. 3d, for defraying the charges of 23,432 effective men, &c. and 2102 invalids, for guards and garriſons, &c. in Great Britain, Jerſey, and Guern-

Guernſey; 459,170l. 1s. 11d. and one eighth of a penny, for guards and garriſons in the plantations, and Africa, Minorca, and Gibraltar, &c. and proviſions for the forces abroad; 4533l. 12s. 8d. to make good the difference of pay between the Britiſh and Iriſh eſtabliſhment, of troops in the Ile of Man, Gibraltar, Minorca, and Ceded iſlands. 11,291l. 8s. 6d. 2q. for general and general ſtaff officers; 117,858l. 10s. to the reduced officers of the land forces and marines; 1277l. 15s. 5d. to the two troops of horſe guards, and regiment of horſe reduced; and to the ſuperannuated gentlemen of the four troops of horſe guards; 2962l. 11s. 8d. to reduced officers, with the 10th company of battalions reduced; 664l. to the penſions of officers widows; 112,05l. to the out-penſioners of Chelſea Hoſpital; 359,927l. 7d. 2q. towards extraordinary expences of the land forces, and other ſervices incurred, and not provided for. 1,800,000l. for diſcharging exchequer bills of laſt ſeſſion. 14,700l. to make good to his Majeſty the like ſum iſſued purſuant to the addreſſes of the houſe of commons; 5796l. 10s. 5d. for ſupporting the civil eſtabliſhment of Nova Scotia; 3086l. for the civil eſtabliſhment of Georgia; 4350l. for the civil eſtabliſhment of Eaſt Florida; 6100l. for the civil eſtabliſhment of Weſt Florida; 1885l. 4s. for defraying expences attending ſurveys in North America. Not exceeding 13,000l. for repairing and maintaining the forts in Africa. Not exceeding 6336l. 9d. 2q. for ſupporting the civil eſtabliſhment of Senegambia. Not exceeding 2000l. for repairing the fort of Cape Coaſt Caſtle. Not exceeding 2970l. for the maintenance, &c. of deſerted young children, from 31 Dec. 1770, to 31 Dec. 1771. Not exceeding 27,030l. for defraying expences of children admitted before March 25, 1760. 2000l. towards building a bridge croſs the Thames; 5000l. to merchants trading to the Levant; 28,365l. 15s. 8d. incurred by the Eaſt India company, antecedent to the ſurrender of Manilla; 6009l. 13s. 3d. to the province of New Hampſhire, for proviſions, &c. to the troops in 1756. 6928l. 2s. for defraying expence of new roads, &c. in the highlands of Scotland in 1771. 799l. 12s. 2d. (to be made good to his Majeſty) paid to perſons in preventing the diſtemper among horned cattle. 35,085l. 2s. 11d. to make good deficiencies in 1771. The ſaid aids to be applied only to the uſes before mentioned. Rules to be obſerved in the application of the half pay. Act 10° Geo. 3. Rules to be obſerved in the application of the ſurplus of the ſums appropriated to the payment of reduced officers. Act 6° Geo. 2. Commiſſioners of the treaſury to direct the payment of the bounty formerly granted.

CAP. XLIX.

An act to continue for a further time, an Act paſſed in the ſixth year of his preſent Majeſty's reign, intituled, An Act to prohibit the importation of foreign-wrought ſilks and velvets for a limited time; and for preventing unlawful combinations of workmen employed in the ſilk manufacture.

Preamble. WHEREAS *the law herein-after mentioned has by experience been found uſeful and beneficial, and is near expiring*; may it pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That an act, made in the ſixth year of the reign of

Act 6 Geo. 3. his preſent Majeſty, (intituled, *An act to prohibit the importation of foreign-wrought ſilks and velvets for a limited time; and for preventing unlawful combinations of workmen employed in the ſilk manufacture)*, which was to continue in force for five years, from the four-

fourteenth day uf *June*, one thouſand ſeven hundred and ſixty-ſix, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby further continued from the expiration thereof until the fourteenth day of *June*, one thouſand ſeven hundred and ſeventy-ſix, and from thence to the end of the then next ſeſſion of parliament. further continued till June 1776.

CAP. L.

An Act for granting a bounty upon the importation of white oak ſtaves, and heading, from the Britiſh *colonies or plantations in* America.

WHEREAS *the allowing a bounty upon the importation of white oak ſtaves, and heading for caſks, from the* Britiſh *colonies or plantations in* America *into this kingdom, under certain reſtrictions, may tend to promote the trade and intercourſe of the ſaid plantations with* Great Britain, *and be a means of ſupplying the manufacturers of caſks for the uſe of the brewers and diſtillers in this kingdom with ſuch materials at more reaſonable rates than they can at preſent be procured, as well as of ſaving great ſums of money to his Majeſty's ſubjects, which are now expended for the purchaſe thereof amongſt foreign nations:* may it therefore pleaſe your moſt excellent Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, Preamble.

That from and after the firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, every perſon or perſons who ſhall, within the time appointed by this act, import, or cauſe to be imported, into the ports of *London*, *Southampton*, *Poole*, *Exeter*, *Plymouth*, *Briſtol*, *Liverpoole*, *Whitehaven*, *Glaſgow*, *Leith*, *Hull*, *Newcaſtle*, and *Yarmouth*, or either of them, directly from any of the *Britiſh* colonies or plantations in *America*, in any ſhip or ſhips that may lawfully trade thither, manned as by law is required, any good, ſound, and merchantable ſtaves, and heading of white oak, free from ſap, wormholes, knots, and bites, of the following dimenſions, of the growth or product of the ſaid colonies or plantations, ſhall have and enjoy as a bounty or premium for ſuch importation, the following ſums; that is to ſay, After 1 Jan. 1772, perſons, within the time appointed, importing into the ports of London, Southampton, Poole, &c. ſound and merchantable ſtaves and heading of white oak, the growth of the plantations,

For every one thouſand and two hundred (each hundred containing five ſcore) of pipe ſtaves, each ſtave not being leſs than five feet ſix inches long, from four inches and one-half of an inch to ſix inches broad, and two inches thick at the thinneſt edge, which ſhall be ſo imported from the firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, to the firſt day of *January*, one thouſand ſeven hundred and ſeventy-five, the ſum of ſix pounds, and in the like proportion for any greater or leſs number. What bounty they ſhall enjoy.

For every one thouſand and eight ſuch hundred of hogſhead ſtaves, each ſtave not being leſs than four feet ſix inches long, from four inches and one-half of an inch, to ſix inches broad,

and

and one inch and one-half of an inch thick at the thinneſt edge, which ſhall be ſo imported from and after the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, to the firſt day of *January*, one thouſand ſeven hundred and ſeventy-five, the ſum of ſix pounds, and in the like proportion for any greater or leſs number.

For every two thouſand and four ſuch hundred of barrel ſtaves, each ſtave being three feet ſix inches to three feet eight inches at the leaſt in length, from four inches to five inches broad, and one inch and one-half of an inch thick at the thinneſt edge, which ſhall be ſo imported from and after the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, to the firſt day of *January*, one thouſand ſeven hundred and ſeventy-five, the ſum of ſix pounds, and in the like proportion for any greater or leſs number.

For every three thouſand and ſix ſuch hundred pieces of pipe hogſhead and barrel heading, each piece of pipe heading being two feet eight inches long, each piece of hogſhead heading being two feet four inches long, and each piece of barrel heading being two feet and one inch long at the leaſt, and each ſuch reſpective piece of heading being from five to ſix inches broad, and two inches thick at the thinneſt edge, which ſhall be ſo imported from and after the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, to the firſt day of *January* one thouſand ſeven hundred and ſeventy-five, the ſum of ſix pounds, and in the like proportion for any greater or leſs number.

For every one thouſand two hundred ſuch pipe ſtaves; for every one thouſand eight hundred ſuch hogſhead ſtaves; for every two thouſand four hundred ſuch barrel ſtaves; and for every three thouſand ſix hundred pieces of ſuch heading as above deſcribed, which ſhall be ſo imported from and after the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-five, to the firſt day of *January*, one thouſand ſeven hundred and ſeventy-eight, the ſum of four pounds: and for every one thouſand two hundred ſuch pipe ſtaves; for every one thouſand eight hundred ſuch hogſhead ſtaves; for every two thouſand four hundred ſuch barrel ſtaves; and for every three thouſand ſix hundred pieces of ſuch heading, as above deſcribed, which ſhall be ſo imported from and after the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-eight, to the firſt day of *January*, one thouſand ſeven hundred and eighty-one, the ſum of two pounds; to be paid on demand to the importer of ſuch goods, by the collector of the port where the ſame ſhall be reſpectively imported as aforeſaid, out of any money in his hands ariſing by any of the duties of cuſtoms on goods imported: and in caſe the collector of the cuſtoms where ſuch goods ſhall be imported ſhall not have money ſufficient in his hands to pay the ſame, he is hereby required to certify the ſame to the commiſſioners of the cuſtoms, who ſhall cauſe the ſame to be paid by the receiver-general of his Majeſty's cuſtoms the ſaid premium or bounty for the ſaid goods imported into *England*, to be

If the collector, where the goods are imported has not money ſufficient in his hands to pay the bounty, on certifying the ſame to the commiſſioners of the cuſtoms, the ſame to be

be paid by the receiver-general of the cuſtoms in *England*; and for ſuch as ſhall be imported into *Scotland*, to be paid by the receiver-general there.

paid by the receiver general.

II. *And, in order to intitle the importer of ſuch goods to the bounty or premium granted by this act, and to prevent frauds by importing foreign or other ſtaves or heading not intitled thereto*, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the proper officer or officers of his Majeſty's cuſtoms, before ſuch goods are laden on board any ſhip or veſſel in any of the ſaid colonies or plantations, with an intent to be imported into this kingdom, for the bounty or premium herein before granted, carefully to examine ſuch goods, by ſuch means as he or they ſhall think proper, to find out and diſcover whether the ſame in every reſpect anſwer the deſcription herein before mentioned: and all and every perſon and perſons importing any ſuch goods into *Great Britain* as aforeſaid, ſhall produce to the collector, comptroller, or principal officer of the cuſtoms, at the port of importation, a certificate, under the hand and ſeal of the governor, lieutenant-governor, collector of his Majeſty's cuſtoms, and naval officer, or any two of them reſiding and being within the ſaid colonies or plantations, that before the departure of ſuch ſhip or veſſel the perſon or perſons loading the ſame had made oath before them, that the ſaid goods ſo ſhipped on board were truly and *bona fide* of the growth and produce of ſome or one of the *Britiſh* colonies or plantations in *America*, and ſpecifying the colony or colonies, plantation or plantations reſpectively, of which ſuch goods is or are the growth or produce, (which oath the ſaid governor, lieutenant-governor and collector of his Majeſty's cuſtoms, and naval officer, or any two of them, are hereby authoriſed to adminiſter): and the ſaid certificate ſhall alſo expreſs the number, quantity, quality, and ſpecies of each ſort of goods reſpectively, and that the ſame had been examined by the proper officer or officers of the cuſtoms before the ſhipping thereof, purſuant to the directions of this act; which officer or officers is and are hereby required to certify therein, whether ſuch goods, or any part thereof, are or are not made from white oak, and good, ſound, and merchantable, free from ſap, wormholes, knots, and bites, and are or are not of the dimenſions and deſcriptions herein before reſpectively mentioned; and the maſter, or other perſon having the charge or command of the ſhip or veſſel importing ſuch goods, ſhall, on his arrival, make oath before the collector, comptroller, or principal officer of the cuſtoms, at the port of importation, that the ſaid goods ſo imported were truly laden on board his ſhip or veſſel, in one of the ſaid colonies or plantations, and are the ſame goods as are contained and mentioned in ſuch certificate.

Officers of the cuſtoms, before goods are ſhipped in the colonies, with intent to be imported, are carefully to examine ſuch goods.

Perſons importing ſuch goods into Britain, ſhall produce to the collector at the port of importation, a certificate from the governor, &c.

Certificate to expreſs the number, quantity, &c. of each ſort of goods.

III. *And, for the better preventing frauds in the entering any of the goods before mentioned, in order to obtain the bounty thereon*, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any proper officer or officers of the cuſtoms, after

Officers of the cuſtoms, after the entry, to take ſamples, for examination.

after the entry, and at or after the landing of ſuch goods, to take ſamples thereof, in ſuch manner, and in ſuch proportion, as he or they ſhall judge proper, to examine the ſame; and if, upon ſuch examination, it ſhall appear, that in the whole quantity ſo entered there are to the amount of ten pieces in an hundred that do not, in all reſpects, anſwer the deſcriptions and dimenſions herein-before deſcribed, ſo as to be intitled to the bounty herein-before granted; then, and in ſuch caſe, no bounty ſhall be paid or allowed for any part of the hundred pieces in which ſuch deficient ten pieces ſhall be found; and if more than twenty pieces in an hundred of the quantity ſo entered ſhall be found, on ſuch examination, not to be intitled to the bounty; then, beſides the loſs of the ſaid bounty, the importer ſhall alſo forfeit and loſe the ſum of fifty pounds; to be proſecuted and recovered as herein-after mentioned.

No gratuity to be demanded by officers for examining, nor for ſigning any certificates, for recovering the bounty.

IV. And be it further enacted by the authority aforeſaid, That no fee, gratuity, or reward, ſhall be demanded, taken, or received, by any officer of his Majeſty's cuſtoms for examining, viewing or delivering ſuch ſtaves and heading with reſpect to the premium or bounty allowed by this act, or for the ſigning any of the certificates in order to the receiving ſuch premium or bounty, or for paying the ſame; and any ſuch officer demanding or taking ſuch fee or reward, ſhall, for ſuch offence, forfeit his office, and be for ever after incapable of executing any office or employment under his Majeſty, his heirs and ſucceſſors.

If any ſtaves, &c. of the produce of the colonies be exported from Britain, Bounty to be paid by the perſons exporting the ſame.

V. And be it further enacted by the authority aforeſaid, That if any ſuch ſtaves and heading of the growth or product of any of the ſaid colonies or plantations ſhall be again exported from *Great Britain*, then, and in every ſuch caſe, the perſons exporting the ſame ſhall, before the entry thereof, pay unto the collector of the cuſtoms of the port where the ſame ſhall be exported, or to the chief officer of the cuſtoms there, the full ſum which is allowed as a premium or bounty by this act on all ſuch ſtaves and heading as he intends to export.

Perſons fraudulently exporting on board any ſhip ſtaves and heading, without paying the bounty, to forfeit the ſame.

VI. And be it further enacted by the authority aforeſaid, That if any perſon, his, her, or their agent or agents, aſſignee or aſſigns, ſhall be found fraudulently to export or load on board any ſhip, veſſel, or boat, in order to be exported, ſuch ſtaves and heading without paying ſuch premium or bounty to the chief officer or collector of the cuſtoms as aforeſaid, ſuch perſon and perſons ſhall forfeit and loſe all ſuch ſtaves and heading, and double the value thereof.

Collectors, &c. making falſe certificates, &c. or if any maſter, &c. ſhall make any falſe oath concerning the identity of ſtaves,

VII. And be it further enacted by the authority aforeſaid, That if any collector or comptroller of the cuſtoms, or naval officer, ſhall make any falſe certificate; or if any merchant, trader, factor, or other perſon, ſhall make any falſe oath with regard to the growth of ſuch ſtaves and heading; or if any maſter or commander of any ſhip or veſſel ſhall make any falſe oath concerning the certificate for or the identity of ſuch ſtaves and heading; or if any perſon or perſons ſhall counterfeit any ſuch certificate, as is herein-before directed to be made, in order to obtain

tain any premium or bounty hereby granted; all and every ſuch perſon and perſons ſo offending in any of the caſes aforeſaid, ſhall forfeit the ſum of two hundred pounds; and if any ſuch perſon ſo offending ſhall be a collector, comptroller, or naval officer, or any other officer of the cuſtoms, he ſhall alſo forfeit and loſe his office, and be incapable of ſerving his Majeſty, his heirs and ſucceſſors.

or perſons counterfeiting any certificates to obtain the bounty, to forfeit 2col.

VIII. And be it further enacted by the authority aforeſaid, That the ſeveral penalties and forfeitures by this act inflicted ſhall and may be ſued for, proſecuted, determined, and recovered, by bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or the court of *exchequer* in *Scotland*, or in any of the courts of admiralty in his Majeſty's colonies or plantations in *America* reſpectively, where ſuch penalty or forfeiture ſhall be incurred; wherein no eſſoin, protection, wager of law, or more than one imparlance ſhall be allowed.

Forfeitures inflicted by this act, to be recovered by plaint or information.

IX. And be it further enacted by the authority aforeſaid, That all penalties and forfeitures by this act impoſed, ſhall, if incurred in *Great Britain*, be applied, one moiety to the uſe of his Majeſty, his heirs and ſucceſſors, and the other moiety to ſuch perſon or perſons as ſhall ſue for the ſame; and all ſuch penalties and forfeitures as ſhall be incurred in any of the ſaid colonies or plantations, ſhall be applied, one-third part thereof to the uſe of his Majeſty, his heirs and ſucceſſors, one third part to the uſe of the governor of the colony or plantation where ſuch penalty and forfeiture is incurred, and the remaining third part to ſuch perſon or perſons as ſhall ſue for the ſame.

Application of penalties.

X. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, every ſuch action or ſuit, if in *Great Britain*, ſhall be commenced within ſix calendar months next after the fact committed, and if any of the ſaid colonies or plantations, within eighteen calendar months next after the fact committed, and not afterwards; and the defendant or defendants, in any ſuch action or ſuit, may plead the general iſſue, and give this act and the ſpecial matter in evidence, at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act: and if it ſhall appear ſo to have been done, the jury ſhall find for the defendant or defendants; and if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared; or if judgement ſhall be given upon any verdict, or demurrer, againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in other caſes by law.

Limitation of actions.

General iſſue.

Treble coſts.

XI. And be it further enacted by the authority aforeſaid, That if any doubt or diſpute ſhall ariſe, whether the ſtaves and heading, or any part thereof, ſo to be imported or exported as aforeſaid, are of the growth or produce of any of the ſaid colonies or plantations, or of any other growth or produce; or if

Diſputes how to be determined.

any action shall be brought by the owner or claimer of such goods, against any officer of the customs, or any other person, for any thing done in pursuance of this act, and any doubt or question, shall thereupon arise concerning the place of the growth or product of such goods, the *onus probandi* shall lie on the owner or claimer of such goods, or the person claiming the premium or bounty, and not on the person who seized or stopped the same, or against whom such action shall be brought; any law, custom, or usage, to the contrary notwithstanding.

CAP. LI.

An act for continuing several laws for the better regulation of lastage and balastage in the river Thames; *for the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise, and for the landing of rum or spirits of the* British *sugar plantations, before payment of the duties of excise; for repealing so much of an act passed in the sixth year of the reign of King* George *the First, intituled,* An act for preventing the carriage of excessive loads of meal, malt, bricks, and coals, within ten miles of the cities of *London* and *Westminster*, *as relates to the carriage of meal, malt, and coals; and for authorising the exportation of a limited quantity of an inferior sort of barley, called* Bigg, *from the port of* Kirkwall, *in the islands of* Orkney.

Preamble. WHEREAS *the laws herein-after mentioned have, by experience, been found useful and beneficial, and are near expiring*; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the sixth year of the reign of his late majesty King *George* the Second, for the better regulation of lastage and ballastage in the river *Thames*, which was to continue in force from the first day of *June*, one thousand seven hundred and thirty-three, for five years, and from thence to the end of the then next session of parliament; and which, by an act made in the eleventh year of the reign of his said late Majesty, was further continued from the expiration thereof, for seven years, and from thence to the end of the then next session of parliament; and which, by another act made in the eighteenth year of the reign of his said late Majesty, was further continued from the expiration thereof, for eleven years, and from thence to the end of the then next session of parliament; and which, by another act made in the thirty-second year of the reign of his said late Majesty, was amended and further continued until the twenty-fourth day of *June*, one thousand seven hundred and seventy, and from thence to the end of the then next session of parliament, shall be, and the same is hereby

Act 6 Geo. 2.

Act 11 Geo. 2.

Act 18 Geo. 2.

and act 32 Geo. 2.

further continued, till June 24, 1782.

hereby further continued from the expiration thereof, until the twenty-fourth day of *June*, one thouſand ſeven hundred and eighty-two, and from thence to the end of the then next ſeſſion of parliament.

II. And be it further enacted by the authority aforeſaid, That ſo much of an act made in the fifteenth and ſixteenth year of the reign of his late majeſty King *George* the Second, intituled, *An act to impower the importers or proprietors of rum, or ſpirits, of the* Britiſh *ſugar plantations, to land the ſame before payment of the duties of exciſe charged thereon, and to lodge the ſame in warehouſes at their own expence; and for the relief of* Ralph Barrow, *in reſpect to the duty on ſome rock ſalt, loſt by the overflowing of the rivers* Weaver *and* Dane, as relates to the landing of rum, or ſpirits, of the *Britiſh* ſugar plantations before payment of the duties of exciſe, and to the lodging of the ſame in warehouſes, at the expence of the importers or proprietors thereof, which was to continue in force from the twenty-ninth day of *September*, one thouſand ſeven hundred and forty-two, to the twenty ninth day of *September*, one thouſand ſeven hundred and forty-nine, and from thence to the end of the then next ſeſſion of parliament; and which by ſeveral ſubſequent acts of the twenty-third and thirty-firſt years of the reign of his late Majeſty, and the fourth year of the reign of his preſent Majeſty, was further continued until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-one, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby further continued from the expiration thereof, until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-eight, and from thence to the end of the then next ſeſſion of parliament.

Acts 15 & 16 Geo. 2. and acts 23 & 31 Geo. 2. & 4 Geo. 3. continued till Sept. 29, 1771. further continued till Sept. 29, 1778.

III. And be it further enacted by the authority aforeſaid, That ſo much of an act made in the nineteenth year of the reign of his late Majeſty King *George* the Second, intituled, *An act for the further puniſhment of perſons going armed or diſguiſed in defiance of the laws of cuſtoms or exciſe, and for indemnifying offenders againſt thoſe laws, upon the terms therein mentioned, and for the relief of officers of the cuſtoms in informations upon ſeizures*, as relates to the further puniſhment of perſons going armed or diſguiſed in defiance of the laws of cuſtoms or exciſe, and to the relief of officers of the cuſtoms in informations upon ſeizures, which was to continue in force for ſeven years, from the twenty-fourth day of *July*, one thouſand ſeven hundred and forty-ſix, and from thence to the end of the then next ſeſſion of parliament, and which, by ſeveral ſubſequent acts of the twenty-ſixth and thirty-ſecond years of the reign of his ſaid late Majeſty, and the fourth year of his preſent Majeſty, was further continued until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-one, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby further continued from the expiration thereof, until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-eight, and from thence to the end of the then next ſeſſion of parliament.

Act 19 Geo. 2. further continued till Sept. 29. 1778.

Act 6 Geo. 1. IV. *And whereas, by an act made in the ſixth year of the reign of his late majeſty King* George *the Firſt, intituled,* An act for preventing the carriage of exceſſive loads of meal, malt, bricks, and coals, within ten miles of the cities of *London* and *Weſtminſter, it is provided, that no perſon ſhall carry at one load in the ſaid cities, or within ten miles thereof, in any waggon or cart, having the wheels thereof ſhod or bound with tire or ſtreaks of iron, more than twelve ſacks of meal, each ſack containing five buſhels, nor more than twelve quarters of malt, nor more than ſeven hundred and an half of bricks, nor more than one chaldron of coals, on pain that the perſon offending therein ſhall forfeit and loſe any one of the horſes, together with the gears, bridles, and halters therewith uſed, to any perſon who ſhall*

Act 4 Geo. 3. *ſeize the ſame: and whereas, by another act made in the fourth year of his preſent Majeſty's reign, for paving, cleanſing, and removing annoyances in* Weſtminſter, *and in the weekly bills of mortality, and for other purpoſes therein mentioned, it is provided by a clauſe in the ſaid act, that no perſon ſhall carry at any one load within the limits mentioned in the above-recited act of the ſixth of King* George *the Firſt, in any waggon, or cart, having the wheels thereof ſhod or bound with tire or ſtreaks of iron, more than one chaldron of coals with the ingrain thereto belonging, after the rate of one chaldron for every twenty chaldrons: and whereas conſiderable quantities of meal, malt, and coals, are carried from the ſaid cities into the country, and conſiderable quantities of meal and malt from the country into the ſaid cities, in waggons and carts, having the wheels thereof ſhod or bound with iron, within and from beyond the diſtance of ten miles from the ſaid cities, and many owners of ſuch waggons and carts, apprehending they were allowed to carry upon the turnpike roads near the ſaid cities the weights fixed by the act paſſed in the ſeventh year of the reign of*

Act 7 Geo. 3. *his preſent Majeſty, intituled,* An act to explain, amend, and reduce into one act of parliament the general laws now in being, for regulating the turnpike roads of this kingdom, and for other purpoſes therein mentioned, *have ſuffered the penalties inflicted by the ſaid acts of the ſixth year of the reign of King* George *the Firſt, for carrying greater quantities of meal, malt, and coals, than are allowed by the ſaid acts.*

Act 6 Geo. 1. And clauſe in act 4 Geo. 3. Clauſe in act 6 Geo. 1. repealed. V. *And whereas it will be more convenient to the publick, if the ſaid act of the ſixth of King* George *the Firſt, ſo far as it relates to the carriage of meal, malt, and coals, and alſo the ſaid clauſe in the ſaid act of the fourth of his preſent Majeſty, were repealed*; be it therefore further enacted by the authority aforeſaid, That ſo much of the ſaid act of the ſixth year of the reign of King *George* the Firſt, as relates to the carriage of meal, malt, and coals, and alſo the ſaid clauſe in the act of the fourth year of the reign of his preſent Majeſty, ſhall be, and the ſame are hereby repealed; and that all perſons who have offended in the matters aforeſaid, againſt the ſaid acts, or either of them, and who have not been already proſecuted to conviction, ſhall be, and are hereby, indemnified for what they have ſo done.

Bigg of the growth of the VI. *And whereas, a conſiderable quantity of that ſpecies of barley, commonly called* Bigg, *of the growth of the iſlands of* Orkney, *is now in*

in the hands of the owners and occupiers of lands, in the ſaid iſlands, which from its inferior quality is altogether unfit for any houſehold uſes, and if not permitted to be exported to Portugal, *and other places, for the feeding of mules and horſes, (the only uſe this ſpecies of grain is fit for) will be intirely loſt to the owners: for remedy whereof*, be it enacted by the authority aforeſaid, That it ſhall be lawful for his Majeſty, his heirs and ſucceſſors, by order or orders, to be made in council for that purpoſe, under ſuch limitations and reſtrictions, as ſhall be expreſſed in ſuch order or orders, to permit and authoriſe the exportation of any quantity or quantities of ſuch barley or bigg, not exceeding five thouſand quarters, of the growth of the iſlands of *Orkney*, from the port of *Kirkwall* to the kingdom of *Portugal*, or elſewhere; any law or ſtatute to the contrary notwithſtanding.

iſland of Orkney.

by his Majeſty's order, may be exported, not exceeding 5000 quarters, to the kingdom of Portugal, &c.

VII. Provided nevertheleſs, That no bounty or allowance whatſoever ſhall be granted or paid, in reſpect of ſuch barley or bigg, to be exported as aforeſaid.

No bounty to be paid for ſuch barley ſo exported.

CAP. LII.

An act for repairing, amending, and ſupporting the ſeveral harbours and ſea ports in the Iſle of Man.

Moſt gracious Sovereign,

Preamble.

WHEREAS *the* Iſle of Man, *from its ſituation in the middle of* Saint George's Channel, *affords a convenient refuge for ſhips, in caſe of ſudden and croſs gales of wind, which frequently happen in thoſe narrow ſeas, and therefore the preſervation of your Majeſty's ſhips, and the intereſt of trade and navigation in general, require that the ſeveral ſea ports and harbours thereof, now veſted in your Majeſty, ſhould be maintained and ſupported in proper condition and repair: and whereas the duties formerly impoſed for this purpoſe by the ſtatutes of the ſaid iſland, aroſe almoſt entirely from the contraband trade carried on there, which being totally ſuppreſſed ſince the purchaſe thereof by your Majeſty, the fund for maintaining the harbours has failed, and they are become ruinous, and likely to fall entirely to decay, unleſs ſome other funds are provided: now therefore, we, your Majeſty's moſt dutiful and loyal ſubjects, the commons of* Great Britain, *in parliament aſſembled, do moſt humbly beſeech your Majeſty that it may be enacted*; and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all ſums of money that have been raiſed, levied, collected, or paid, by virtue of all or any the ſtatutes of the ſaid iſland, for or on account of the harbours therein, at any time or times from and after the ſeventeenth day of *May*, in the year one thouſand ſeven hundred and ſixty-five, (at which time the ſaid iſland became veſted in his Majeſty,) until the fifth day of *July*, in the year one thouſand ſeven hundred and ſeventy-one, and which have or ſhall have been paid into the hands of his Majeſty's re-

All ſums levied by virtue of the ſtatutes of the iſland, on account of the harbour therein, after May 17, 1765.

to be employed towards the repairs of the harbours in the iſland.

ceiver-general of the ſaid iſland, or his deputy, ſhall be by him or them, or under his or their direction, immediately laid out or employed for or towards the repairs of the ſeveral harbours in the ſaid iſland; and the ſaid receiver-general or his deputy ſhall forthwith tranſmit an account of ſuch diſpoſal of the money to the commiſſioners of the treaſury, or the high treaſurer for the time being.

After July 5, 1721, all rates and duties payable by virtue of the ſtatutes of the iſland, on account of the harbours, ſhall determine.

II. And be it further enacted by the authority aforeſaid, That, from and after the ſaid fifth day of *July*, in the year one thouſand ſeven hundred and ſeventy-one, all and every the ſeveral and reſpective dues, rates, duties, and impoſitions, granted or payable by virtue of all or any the ſaid ſtatutes of the ſaid iſlands, for or on account of the harbours therein, ſhall ceaſe, determine, and be no longer due or payable; any thing therein contained, or any other law, ſtatute, ordinance, cuſtom, preſcription, or proviſion, to the contrary notwithſtanding: and inſtead and in lieu thereof, there ſhall be raiſed, levied, collected, and paid, for the purpoſes intended by this preſent act, of amending, repairing, keeping in repair, and ſupporting the ſeveral harbours of the ſaid iſland, the ſeveral and reſpective rates, duties, and impoſitions following, upon all ſhips and veſſels whatſoever, (his Majeſty's ſhips and veſſels, and others employed in his Majeſty's ſervice, only excepted,) which ſhall arrive in any of the harbours and bays thereof, and for and upon all goods and merchandiſes hereinafter mentioned, imported or exported to or from the ſaid *Iſle of Man*; (that is to ſay)

In lieu whereof the rates following to be paid by all ſhips, his Majeſty's excepted.

For every Britiſh ſhip, not laden, arriving in any harbour, 1 d. 2 q. per ton.

For every ſhip or veſſel belonging to any of his Majeſty's ſubjects, which ſhall arrive or put in to any of the harbours in the ſaid iſland, not being laden, or in balaſt only, one penny halfpenny *per* ton.

For every ſhip laden, 2 d. per ton.

For all ſuch ſhips and veſſels being laden, or having any cargo on board, whether they ſhall break bulk or deliver any part of their cargo or not, two-pence *per* ton.

For every ſhip to be repaired, the additional ſum of 1d. per ton.

For every ſhip and veſſel which ſhall be repaired in any of the ſaid harbours, the additional ſum of one penny *per* ton, over and above the rates aforeſaid.

For every foreign ſhip, laden or in balaſt, 2d. per ton.

For every foreign ſhip and veſſel which ſhall arrive or put into any of the ſaid harbours, not being laden, or in balaſt only, two-pence *per* ton.

Every foreign veſſel, without breaking bulk, 3 d. per ton.

For every foreign ſhip and veſſel which ſhall arrive or put into any of the ſaid harbours, without breaking bulk or delivering any part of their cargoes, three-pence *per* ton.

Foreign ſhips, which ſhall break bulk, the additional ſum of 2d. per ton.

For all ſuch foreign ſhips and veſſels which ſhall break bulk and deliver any part of their cargo, the additional ſum of two-pence *per* ton, over and above the rate aforeſaid.

For all foreign ſhips, the additional ſum of 2d. per ton.

For all ſuch foreign ſhips and veſſels as ſhall repair in any of the ſaid harbours, the additional ſum of two-pence *per* ton, over and above the rates aforeſaid.

For

For all foreign ſhips and veſſels anchoring in any of the bays of the ſaid iſland, the ſum of two ſhillings and ſixpence for each ſhip or veſſel. — For foreign veſſels anchoring in any bays 2 s. 6 d. each.

III. And be it further enacted by the authority aforeſaid, That there ſhall be raiſed, levied, collected, and paid, for the purpoſes aforeſaid, (over and above all cuſtoms, rates, and duties, chargeable upon the ſame commodities reſpectively, by any other act or acts of parliament now in force,) the ſeveral and reſpective rates and duties following, for and upon goods and merchandiſes imported into the ſaid *Iſle of Man*, by virtue of any licence granted, according to an act made in the ſeventh year of the reign of his preſent Majeſty, intituled, *An act for encouraging and regulating the trade and manufactures of the* Iſle of Man, *and for the more eaſy ſupply of the inhabitants there with a certain quantity of wheat, barley, oats, meal, and flour*, authoriſed by an act made in this ſeſſion to be tranſported to the ſaid iſland; that is to ſay, — Rates to be levied over thoſe granted by act 7° Geo. 3.

For and upon all ſpirits imported into the ſaid iſland, two ſhillings and ſixpence *per* ton. — 2s. 6d. per ton on all ſpirits imported.

For and upon all tobacco, one ſhilling and ſixpence *per* hogſhead. — 1s. 6d. per hhd. on tobacco.

For and upon all teas, two ſhillings *per* hundred weight. — 2s. per cwt. on teas.

For and upon all coffee, one ſhilling *per* hundred weight. — 1s. per cwt. on coffee.

For and upon all wines, two ſhillings and ſixpence *per* ton. — 2s. 6d. per ton on wine.

For and upon all foreign goods, (wines, ſpirits, and ſalt, excepted,) ten ſhillings *per centum ad valorem*. — On foreign goods, 10s. per cent.

For and upon all other goods imported from *Great Britain* or *Ireland*, (licenſed goods and ſalt for the fiſheries excepted,) above the value of five pounds, the ſum of five ſhillings *per centum ad valorem*. — Upon Britiſh and Iriſh goods, 5 s. per cent.

IV. *And whereas by the ſaid laſt-recited act, made in the ſeventh year of the reign of his preſent Majeſty, the ſeveral and reſpective bounties or ſums of money therein mentioned, were directed to be paid for the boats employed in the herring fiſhery upon the coaſts of the ſaid iſland, and to the manufacturers of linen cloth there, by his Majeſty's receiver-general in the ſaid* Iſle of Man, *or his deputy, out of the duties of ten ſhillings payable to his Majeſty in the ſaid iſle, for and upon every boat or other veſſel employed in the ſaid herring fiſhery, and out of the money ariſing to his Majeſty from the ſeveral bay fiſheries of the ſaid iſland: and whereas ſcarcely more than one-tenth part of the fiſhermen of the ſaid iſland have complied with the terms under which the ſaid bounties were granted, nor have they produced any advantage to the manufactures of the ſaid iſland, ſo that the ſame have proved of no effect*; be it therefore enacted by the authority aforeſaid, That from and after the paſſing of this preſent act, all the ſaid ſe- — Bounties payable by 7° Geo. 3. to determine, except thoſe

allowed to the admiral, and water bailiff.

ſeveral and reſpective bounties ſhall wholly ceaſe, determine, and be no longer paid to any of the perſons, in the ſaid laſt-recited act mentioned, (ſave and except the ſeveral and reſpective bounties, or ſums of money thereby directed, to be allowed and paid to the admiral, and to the vice-admiral of the ſaid herring-fiſhery, for each ſeaſon, and to the water bailiff of the ſaid iſland, or his deputy for their ſuperintendance and inſpection thereof;) and that the ſaid duties of ten ſhillings, payable to his Majeſty in the ſaid iſle, for and upon every boat or other veſſel employed in the ſaid herring fiſhery, and alſo all the money ariſing to his Majeſty from the ſeveral bay fiſheries of the ſaid iſland, after allowance made of the ſaid laſt-mentioned bounties, and of the uſual and neceſſary charges attending the levying and collecting the ſaid monies, ſhall be applied by his Majeſty's receiver general in the *Iſle of Man*, or his deputy, to the repair and ſupport of the ſaid harbours, according to the true intent and meaning of this act, and to no other uſe or purpoſe; any thing in the ſaid laſt-recited act to the contrary notwithſtanding.

How the monies ariſing from the bay fiſheries, &c. are to be applied.

Commiſſioners how to be elected.

V. *And, for the better collecting and diſpoſing the ſeveral ſums of money, and duties hereby made payable, and regulating the repairs and ſupport of the ſaid harbours*; be it enacted by the authority aforeſaid, That the perſons herein-after named for that purpoſe, ſhall be, and are hereby nominated and appointed commiſſioners, and authoriſed, from time to time, to put this act in execution; that is to ſay, his Majeſty's receiver-general in the *Iſle of Man*, his deputy, the collector, comptroller, and ſearcher of the port of *Douglas*, the deputy, water bailiffs, of each of the other ports of *Derby*, *Haven*, *Peel*, and *Ramſay* reſpectively, for the time being, together with four creditable and ſubſtantial merchants; that is to ſay, one for and belonging to each of the four principal ports of the ſaid iſle before mentioned, to be elected by the officers aforeſaid, or the major part of them, which ſaid merchants, ſo elected, ſhall alſo be commiſſioners for the purpoſes aforeſaid, for and during the term of three years, to be computed from the reſpective times of their election; and on the expiration of the ſaid term, or on the death or reſignation of any of them, the reſt of the ſaid commiſſioners, or the major part of them, ſhall, from time to time, upon the firſt *Monday* in the month of *October*, in each year, elect another fit merchant or merchants, of or belonging to the ſaid ports reſpectively, in his or their ſtead, to continue in like manner, in ſuch office or truſt, and to have like power and authority as the perſon in whoſe ſtead he was ſo elected, for and during the term of three years reſpectively from ſuch election.

Commiſſioners to make bye-laws and regulations.

VI. Which ſaid commiſſioners, or the major part of them, (of whom his Majeſty's receiver-general in the *Iſle of Man*, or his deputy for the time being, ſhall always be one,) ſhall have full power and authority, and are hereby impowered and authoriſed to make ſuch bye-laws, orders, and regulations, from time to time, to bind all ſhips and veſſels, arriving at or coming

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ing into any of the harbours in the ſaid iſle, and all maſters, or other perſons, having the rule, management, or command, of ſuch ſhips or veſſels, and to annex ſuch reaſonable penalties as the ſaid commiſſioners, in their diſcretion, ſhall think fit, ſo as ſuch bye-laws, orders, and regulations, be made agreeable to the true intent and meaning of this act, and be for the better putting in execution, and effecting the purpoſes thereof; and alſo for the better regulating ſhips or veſſels, with reſpect to their lying, mooring, or ballaſting, in the ſaid harbours, and for preventing the throwing any ſorts of rubbiſh therein, or doing any annoyance to the ſame, and ſo as they do not contain any thing repugnant to the laws of this realm.

Commiſſioners to contract with workmen, for repairing the harbours.

VII. And it ſhall and may be lawful for the ſaid commiſſioners, or the major part of them, (of whom his Majeſty's receiver-general in the *Iſle of Man*, or his deputy for the time being, ſhall always be one,) from time to time, to contract and agree with any workmen, artificers, maſons, or other perſons, *bona fide*, for the making and doing all or any part of the works neceſſary for the maintaining, repairing, cleanſing, enlarging, or improving, all or any of the ſaid harbours, or for timber, ſtones, and other materials, neceſſary for the purpoſes of this act, or for making any additional works or any land marks, ſea marks, or other directions, they ſhall judge to be requiſite for the greater ſafety of ſhips coming into any of the ſaid harbours.

Receiver-general to appoint a perſon at each port to collect harbour duties; and other duties. and deduct 5l. per cent out of the ſaid monies.

VIII. And be it further enacted by the authority aforeſaid, That his Majeſty's receiver-general of the *Iſle of Man*, be, and is hereby impowered to appoint one perſon at each of the ports of *Douglas*, *Derby*, *Haven*, *Peel*, and *Ramſay*, in the ſaid iſland, to collect the harbour duties at the ſaid ports; and that they the ſaid collectors reſpectively for the time being, ſhall have full power and authority, and are hereby, impowered and authoriſed to receive, levy, and collect the ſeveral ſums of money and duties herein before mentioned, and, for their trouble and expences therein, to retain and deduct the ſum of five pounds *per centum* out of all the ſaid monies ſo collected.

Collectors to go on board ſhips, and demand the duties.

IX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for each of the collectors aforeſaid, to go on board any ſhip or veſſel liable to the payment of any of the duties by this act impoſed, to demand, collect, and receive the ſame, and to take the dimenſions of every ſuch ſhip or veſſel, according to the rules of admeaſurement, laid down and ſettled by an act paſſed in the ſixth year of the reign of his majeſty King *George* the firſt, intituled, *An act for preventing frauds and abuſes in the publick revenues of exciſe, cuſtoms, ſtamp-duties, poſt-office, and houſe-money*, and according to which rules the ſeveral duties of tonnage ſhall be computed and collected, and not otherwiſe; and for nonpayment thereof, or of any ſum or ſums of money due, or of any of the penalties impoſed by the commiſſioners as aforeſaid, for refuſal to give leave to ſuch officer to go on board, or to take the dimenſions of ſuch ſhip or veſſel, or for any other offences committed againſt this preſent act,

For nonpayment of duties, may diſtrain tackle, till payment is made.

act, it ſhall and may be lawful to and for ſuch collector or officer to take and diſtrain any part of the tackle, apparel, and furniture, belonging to ſuch ſhip or veſſel, and the ſame to detain and keep until he or they be ſatisfied, and paid ſuch ſum or ſums of money as aforeſaid, and every of them; and in caſe of any neglect or delay in payment of any the ſums of money, or duties incurred as aforeſaid, for the ſpace of two days after any diſtreſs or diſtreſſes ſo taken as aforeſaid, that then it ſhall and may be lawful to and for ſuch collector or officer, to cauſe the ſame to be appraiſed by two or more ſufficient perſons to be from time to time appointed for that purpoſe by any two or more of the commiſſioners aforeſaid, and afterwards to ſell the ſaid diſtreſs or diſtreſſes ſo taken and appraiſed, or ſo much thereof as ſhall be ſufficient to anſwer all monies due, and all charges ariſing thereon, and therewith to ſatisfy him or themſelves, as well for and concerning the ſum or ſums, or duty ſo neglected or delayed to be paid, and for which a diſtreſs ſhall be ſo taken as aforeſaid, as alſo for his or their reaſonable charge in the taking or keeping ſuch diſtreſs, rendering to the maſter, or other perſons, having the rule or command of ſuch ſhip or veſſel in or from which ſuch diſtreſs ſhall be ſo taken, the overplus, if any there be; provided that no ſuch diſtreſs ſhall be made until ſix hours after demand of ſuch ſums of money or duties as aforeſaid.

Two days after diſtreſs made, collectors to cauſe the ſame to be appraiſed.

X. And be it further enacted by the authority aforeſaid, That all and every ſum and ſums of money which ſhall be raiſed, levied, collected, and received by the duties aforeſaid, and for any the forfeitures or penalties to be recovered by virtue of this act, other than ſo much thereof as ſhall be laid out and allowed to the collector or other neceſſary officer for the collecting and managing the ſaid duty, and for the neceſſary charges of recovering the ſame, ſhall be, by the ſaid commiſſioners, or the major part of them, of whom his Majeſty's receiver-general in the *Iſle of Man*, or his deputy for the time being, ſhall always be one, applied and diſpoſed of to and for the repairing, ſecuring, preſerving, and maintaining the ſaid harbours, according to the true intent and meaning of this act, and to no other uſe, intent, or purpoſe whatſoever, ſave and except as herein-after is excepted; and every perſon appointed or employed to collect and receive any ſums of money, or duties aforeſaid, ſhall within ſix days after each of the four uſual quarterly feaſts in the year, pay into the hands of his Majeſty's ſaid receiver-general, or his deputy, all ſums of money by him or them levied, collected, or received, and at the ſame time deliver a full and particular account thereof in writing, upon the oath of ſuch collector or receiver, before two of the commiſſioners aforeſaid, which oath the ſaid commiſſioners are hereby authoriſed and impowered to adminiſter: and there ſhall, from time to time, be provided and kept by the ſaid commiſſioners, one or more book or books, in which all monies to be received by virtue of this act, and all payments out of the ſame ſhall, from time to time, be fairly ſet down and entered, expreſſing ſeverally the time when, and the name of the perſon or

All ſums to be applied towards repairing the harbours.

Collectors, within ſix days after each of the four uſual quarterly feaſts, to pay all ſums levied to the receiver general.

Books to be kept by commiſſioners for entering ſums received.

or perſons from or to whom the ſame was ſo received or paid, and for what uſe or purpoſe ſuch payment was made; and ſuch books ſhall be kept for the purpoſe aforeſaid at the cuſtom-houſe of the port of *Douglas*, for the inſpection of all or any of the ſaid commiſſioners, at all times during the uſual office-hours: and all and every perſon and perſons appointed to collect or receive any the ſaid ſums of money or duties, who ſhall neglect or refuſe to pay the money ſo by him or them received, or to render an account according to the directions of the preſent act, ſhall forfeit and pay the ſum of ten pounds for every ſuch offence; and it ſhall and may be lawful to and for the ſaid commiſſioners, or any two of them, forthwith to levy the ſame by diſtreſs and ſale of ſuch offenders goods and chattels, returning to the party the overplus (if any there be,) after deducting all reaſonable expences attending ſuch diſtreſs or diſtreſſes; which ſaid penalty ſhall, from time to time, be applied to the repairing and maintaining the ſaid harbours, as herein before directed.

Collectors refuſing to pay money received, or to render an account, to forfeit 10*l.*

to be levied by diſtreſs and ſale;

and applied to repairing the harbours.

XI. *And whereas, at the time the property of the* Iſle of Man *became veſted in his Majeſty, ſeveral ſums of money had been borrowed upon bonds, given by the ſuperviſors of the ſea ports and harbours therein for defraying the expences of repairing and amending the ſame, in purſuance of the powers to them given by the ſtatutes of the ſaid iſland: and whereas ſome part of the ſaid debts ſo contracted yet remains undiſcharged*, be it therefore enacted by the authority aforeſaid, That after it has been certified by the ſaid commiſſioners, or the major part of them (whereof his Majeſty's receiver-general of the *Iſle of Man*, or his deputy, ſhall be one,) that the ſaid ſea ports and harbours have been put into ſufficient and good repair; it ſhall and may be lawful for the ſaid commiſſioners, by and with the conſent and approbation of the commiſſioners of the treaſury, or the high treaſurer for the time being, to pay out of the ſurplus of the duties ariſing and collected by virtue of this act, a ſum or ſums of money not exceeding one thouſand pounds, in diſcharge of the principal money due upon the bonds given by the ſaid ſupervifors as aforeſaid; which ſaid bonds ſhall appear to the ſaid commiſſioners to be *bona fide* due, and to have been approved and conſented to at the time they were given by the ſeveral perſons authoriſed by the ſtatutes of that iſland to give ſuch conſent and approbation.

After certification by the commiſſioners that the harbours are put into repair,

1000*l.* to be paid out of the ſurplus of duties ariſing by this act.

XII. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to intitle the proprietors of the ſaid bonds to the receipt of any intereſt now due or hereafter to ariſe and become due thereupon, out of the ſurplus of the ſaid duties.

Proprietors of bonds not intitled to intereſt.

XIII. And be it further enacted by the authority aforeſaid, That on the tenth day of *October*, in every year, the ſaid receiver-general ſhall draw up, or cauſe to be drawn up, and ſhall preſent to the ſaid commiſſioners, a full account of all the receipts and diſburſements of and for each particular port and harbour in the ſaid iſland, and alſo a particular account of the true ſtate and condition of the ſame reſpectively, and of the ſeveral piers,

On Oct. 10, annually receiver-general to preſent to the commiſſioners a full account of all receipts and diſburſements.

piers and works thereto belonging; which ſaid account the ſaid commiſſioners, or three of them at the leaſt, ſhall ſign and tranſmit, with ſuch obſervations thereon as they ſhall judge to be neceſſary, to the commiſſioners of the treaſury, or the high treaſurer for the time being; and it ſhall ſhall and may be lawful for ſuch receiver-general, for his trouble and expence in the execution of this act, and for providing a perſon to inſpect and ſuperintend the ſaid ports and harbours, to charge in his accounts, and the ſaid receiver-general ſhall be allowed thereupon any ſum not exceeding the ſum of thirty pounds in any one year, out of the ſeveral ſums ſo levied and collected as aforeſaid.

Receiver general to be allowed annually not exceeding 30l.

All officers, &c. to take an oath, previous to their intermeddling with their offices.

XIV. And be it further enacted by the authority aforeſaid, That the aforeſaid commiſſioners, the ſaid receiver-general, and all other officers whatſoever, employed by virtue of this act, in collecting, receiving, or diſburſing any ſum or ſums of money, for the repairing or maintaining the ſaid harbours, or in ſuperintending or ſurveying the ſame, ſhall reſpectively take an oath previous to their intermeddling with any ſuch office or employment, for the due and faithful execution and diſcharge thereof, according to the powers veſted in them by virtue of this act, before any one or more of the deemſters, or civil magiſtrates of the ſaid iſland, who is and are hereby authoriſed and required to adminiſter the ſame without fee or reward.

All ſums to be paid, incurred, or recovered, to be ſterling money.

XV. And it is hereby further enacted by the authority aforeſaid, That all ſums of money which ſhall be paid, incurred, or recovered, in purſuance of this act, ſhall be deemed and are hereby declared to be ſterling money of *Great Britain*, and ſhall be paid, collected, and recovered, to the amount of the value which ſuch nominal ſums bear in *Great Britain*.

All actions commenced for recovery of penalties to be tried by the water bailiff

XVI. And be it further enacted by the authority aforeſaid, That all actions, ſuits, or informations, which ſhall or may be brought or commenced, for the recovery of any forfeitures and penalties incurred by virtue of this preſent act, or for any other matter or thing relating to the execution thereof, ſhall be brought, proſecuted, tried, heard, and determined in the court of his Majeſty's water bailiff of the ſaid iſland, according to the accuſtomed courſe of that court; and in caſe either of the parties conceive themſelves to be aggrieved it ſhall and may be lawful for ſuch perſon to appeal in the uſual manner to the court of chancery of the ſaid iſland.

CAP. LIII.

An act for widening the Highways in that part of Great Britain *called* Scotland.

Preamble.

WHEREAS *by an act of the parliament of* Scotland *paſſed in the year, one thouſand ſix hundred and ſixty-nine, and intituled,* Act for repairing highways and bridges, *it is enacted, That the ſaid highways ſhall be twenty feet of meaſure broad at leaſt, or broader, if the ſame have been ſo of before, and whereas by the law of* Scotland, *the making, repairing, and keeping in repair, the highways, roads, and bridges, within that part of the united kingdom, are*

put under the direction and management of the juſtices of peace, and commiſſioners of ſupply, within the ſeveral ſhires and ſtewartries reſpectively, (except in ſuch caſes where turnpike roads have, under the authority of ſpecial acts of parliament, been made, and tolls granted therefore, and the ſame by ſuch acts put under the management and direction of certain juſtices or commiſſioners by theſe acts named and appointed:) and whereas many inconveniencies and frequent obſtructions to the free paſſage of the publick and moſt frequented highways and roads have been occaſioned by the narrowneſs of theſe highways and roads: and whereas it would be of great publick benefit to that part of the united kingdom, that the juſtices of peace, and commiſſioners of ſupply, in each ſhire and ſtewartry reſpectively, and the truſtees and commiſſioners of turnpike roads, eſtabliſhed by ſpecial acts of parliament, were impowered to widen and extend the highways and roads under their reſpective managements, where-ever they ſaw neceſſary occaſion for ſo doing; may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the juſtices of peace, and commiſſioners of ſupply, for the reſpective ſhires and ſtewartries, and the commiſſioners and truſtees of turnpike roads, eſtabliſhed by ſpecial acts of parliament, within that part of *Great Britain* called *Scotland*, ſhall have power, and they are hereby authoriſed and impowered to make, repair, clear, widen, and extend, and to keep in good repair, after being ſo cleared, widened, and extended, the ſeveral highways and roads, under their management and direction reſpectively, ſo as the ſame ſhall be in all places full twenty feet width of clear paſſable road, excluſive of the bank and ditch on each ſide of ſuch highway or road reſpectively.

Juſtices and commiſſioners of ſupply, for the ſhires and ſtewartries, to make, repair, clear, widen and extend the highways under their direction; which are to be 20 feet in width.

II. *And whereas it will be of great publick utility, that the ſaid highways and roads were, in particular places, ſtill further widened and enlarged*; be it alſo enacted, That the ſaid juſtices of peace, and commiſſioners of ſupply or the ſaid truſtees, or commiſſioners for turnpike roads eſtabliſhed by ſpecial acts of parliament, or the majority of them, in a general meeting for that purpoſe aſſembled, may order and direct the highways and roads aforeſaid to be ſtill farther widened and enlarged, in ſuch places, and for ſuch diſtances as they judge to be for the publick benefit.

Juſtices, &c. to order the roads to be farther enlarged.

III. Provided always, and be it further enacted That the breadth of the highways and roads ſo to be widened and enlarged ſhall not, at any place, exceed thirty feet, excluſive of the bank and ditch on each ſide, and that full ſatisfaction, to be aſcertained in manner herein-after provided for, ſhall be made to the owners and leſſees of the lands, for ſo much ground as ſhall be taken for the widening and enlargement of the ſaid highways and roads, over and above, and in addition to the preſent breadth, or the twenty feet width of ground, allowed by the laws now in being for the breadth of every highway and road.

Breadth of the roads to be widened and enlarged not to exceed 30 feet.

IV. *And whereas it would greatly facilitate the making and repairing*

pairing of the highways and roads within that part of Great Britain *called* Scotland, *that the juſtices of peace, and commiſſioners of ſupply, within the reſpective ſhires and ſtewartries, met more frequently, and at the moſt convenient times and ſeaſons*, be it therefore further enacted by the authority aforeſaid, That hereafter, inſtead of the meeting appointed to be held by an act made in the fifth year of the reign of his late majeſty King *George* the firſt, intituled, *An act for amending and making more effectual the laws for repairing the highways, bridges, and ferries in that part of* Great Britain *called* Scotland, there ſhall be held two general meetings in every year of the ſaid juſtices of peace, and commiſſioners of ſupply, for the ſpecial purpoſe and buſineſs of the highways, roads, bridges, and ferries, within their reſpective bounds; and, by the laws in being for the time, under their direction and management, the firſt upon the ſame day, and at the like place that the commiſſioners of ſupply of ſuch ſhires and ſtewartries reſpectively are and ſhall be directed by the land-tax act of the year then current, to aſſemble for the purpoſes of aſſeſſing the land-tax, and of chuſing a convener, collector, and clerk, and the ſecond of the ſaid general meetings upon the ſame day, and the like place that the freeholders of the ſaid ſhires and ſtewartries reſpectively aſſembled at their *Michaelmas* head court annually; and that the conveners of the ſhires and ſtewartries reſpectively ſhall, and they are hereby required to give the ſame previous notices for theſe two general meetings of the juſtices and commiſſioners of ſupply, as are given for ordinary general meetings of commiſſioners of ſupply within their reſpective bounds.

Inſtead of a meeting appointed by act 5 Geo. 1.

Two general meetings to be held annually.

Conveners of ſhires, &c. to give previous notice of ſuch meetings.

V. And be it further enacted by the authority aforeſaid, That it ſhall be in the power of any two or more juſtices of the peace, or commiſſioners of ſupply, within any ſhire or ſtewartry in that part of *Great Britain* called *Scotland*, to examine and ſurvey, or cauſe to be examined and ſurveyed, the highways and roads, or any part or parts of them within ſuch ſhires and ſtewartries reſpectively, and to order and direct that the ſaid highways and roads ſhall every where be made twenty feet wide of clear paſſable road, excluſive of the banks and ditches upon each ſide of the ſame; and in ſuch caſes where it ſhall appear to the ſaid juſtices and commiſſioners to be for the publick benefit, that any part or parts of the ſaid highways and roads ſhould be further widened and extended, or that fences of any kind whatever ſhould be removed, for the purpoſe of widening the ſaid roads, that they ſhall ſtate their reaſons in writing, and report the ſame to the next or any following general meeting of the juſtices and commiſſioners for the ſhire or ſtewartry; and that if the ſaid juſtices and commiſſioners aſſembled at ſuch general meeting, or the majority of them, upon adviſing the ſaid report, and after hearing all parties having an intereſt, ſhall be of opinion that it will be of publick benefit ſo to widen and extend the ſaid highways and roads, or to remove fences, that the ſame ſhall be accordingly done, ſatisfaction being always previouſly made in manner as herein after directed to the owners and leſ-

Juſtices, &c. to examine and ſurvey the highways, &c.

fees of land, for ſo much ground as ſhall be taken to widen and enlarge the ſaid highways and roads beyond and over, and above twenty feet in width on the preſent breadth of the road, if more than twenty feet wide, and for the loſs or damage the owner or owners of the land may ſuſtain by removing fences where ſuch are to be removed.

Heritors or occupiers of lands may appeal to general meetings,

VI. Provided always, That it ſhall be lawful to and in the power of any heritor or occupier of lands through which the ſaid highways and roads go, who may apprehend wrong to have been done by the ſaid two or more juſtices and commiſſioners in ſurveying, examining, ordering, and directing as aforeſaid, to appeal againſt the ſame to the firſt or next general meeting of the ſaid juſtices and commiſſioners; and that whatever they, or the majority of them ſhall determine upon, ſuch appeal ſhall be final and concluſive.

which ſhall be final.

In caſe of general meetings being of opinion that the roads ſhould be further widened, &c.

VII. And be it further enacted by the authority aforeſaid, That in all caſes where the general meetings aforeſaid, or the meetings of truſtees or commiſſioners for turnpike roads, eſtabliſhed by acts of parliament, are of opinion that it will be for the publick benefit to have the highways and roads, or any particular parts of them, farther widened and enlarged beyond the breadth of twenty feet, or the preſent breadth, if broader, or to have fences of any kind removed or altered in widening of the ſaid roads, and that no agreement ſhall have been made with the owner or owners of the land where the roads are to be widened, or whoſe fences are to be altered or removed, application ſhall be made to the ſheriff or ſteward of the ſhire or ſtewartry within which ſuch highways and roads lie, to ſummon a jury in order to value the ground neceſſary to be taken and uſed for ſo widening and enlarging the highways and roads aforeſaid, and the loſs or damage enſuing from the altering or removing of fences; and the ſaid ſheriffs and ſtewards, and the ſheriffs and ſtewards-depute, and their ſubſtitutes, are hereby impowered and required, upon ſuch application, to order intimation thereof to be made to the owner and owners, and immediate occupier or occupiers of the ground propoſed to be ſo taken in and uſed, and afterwards to iſſue a ſummons in the uſual manner for calling together and impannelling a jury, to conſiſt of at leaſt ſeven, and not exceeding fifteen perſons in number, to examine into, and, after ſuch examination, to report upon their oaths to the ſheriff or ſteward the value of the ground ſo to be taken and uſed for the widening and enlargement of the highways and roads over and above twenty feet in breadth, and the loſs or damage that will ariſe to the owner or owners of the land by altering or removing of fences where that is propoſed to be done, and thereupon to order and adjudge payment of the value and amount of the loſs and damage ſo aſcertained to the owner or owners of the grounds, with ſuch coſts as he or they may have been put to in the liquidation of the ſaid value; and that upon ſuch payment being made, and a diſcharge thereof lodged with the ſheriff or ſteward clerk, the ſaid

Application to be made to the ſheriff to ſummon a jury to value the ground, &c.

Intimation to be made to owners, &c.

Jury to be impanelled,

who are to aſcertain damages to owners, and adjudge payment.

said justices and commissioners, or the said trustees and commissioners, according as the case may be, shall from thenceforth have right, and be at liberty to take and use the ground so valued and paid for in the widening and extending the highways and roads aforesaid, as fully and effectually ever after, to all intents and purposes, as if the owner and owners of such grounds had executed regular dispositions of the same, and thereupon infeftments had followed.

30 days notice to be given to owners of grounds and fences to be valued or altered.

VIII. Provided always, That thirty days notice at least shall be given to the owner and owners of the ground, so to be valued, and of the fences intended to be altered or removed, of the day upon which the jury are to be impannelled for those purposes; and that all proceedings and orders of sheriffs and stewards in the premises, made by virtue of this act, shall not be removeable or questionable by bills or letters of advocation or suspension to, or by any other court whatsoever, any law or usage to the contrary notwithstanding.

Commissioners of supply to lay additional assessment for payment of sums, adjudged by the sheriff, the preceding year.

IX. And be it enacted by the authority aforesaid, That the commissioners of supply of every shire and stewartry in *Scotland* assembled, annually, upon the day appointed by act of parliament for the assessment of the land-tax, shall have power, and they are hereby impowered and required to lay an additional assessment for the payment of such sum and sums of money as shall have been for the preceding year adjudged by the sheriff or steward in manner aforesaid to the owner and owners of grounds to be taken, and of fences to be removed or altered, for the widening and enlarging the highways roads, as herein before directed, and to issue precepts upon the collector and collectors for the payment thereof; and that in all cases where the ground so valued, or fences altered or removed as aforesaid, shall be taken or done, for the widening and enlargement of a turnpike road as established by act of parliament, that the money adjudged by the sheriff or steward therefore shall be paid by the commissioners or trustees of such road, out of the tolls arising from the same.

CAP. LIV.

An act for the better paving, cleansing, lighting, and watching Haydon Square, the New Square, Haydon-yard, Sheepy-yard, Church Street, Little Church Street, otherwise the Church Passage, Church Court, and Kenton Street, and the passages therein, or leading thereunto, in the parish of Trinity, otherwise Holy Trinity, in the Minories, in the county of Middlesex, within the liberty of his Majesty's tower of London; and for other purposes therein mentioned.

CAP.

CAP. LV.

An act to incapacitate John Burnett, Charles Hannington, Thomas Haſelgrove, Ralph Moor, Thomas Parſons, Thomas Snook *junior*, Thomas Hannington, John Hannington, John Robinſon, William Cheeſman, George Browne, John Parſons, John Curl, Frederick Dean, William Dean, Samuel Tuppen, John Sawyers, Thomas Crowter, Thomas Pockney, Joſeph Dedman, John Dean, John Whiting, William Stevens, John Bawcomb, Robert Parker, John Hogsfleſh, John Purſe, John Dean, Thomas Jennings, John Snook *junior*, Richard Tilſtone, William Turner, Walter Sawyers, Charles Mitchell, John Jarmand, John Wood, Friend Daniel, William Gratwick, Nathaniel Hillman, Thomas Roberts, John Aſhman, William Cooter, Thomas Froſt, Michael Smith, Richard Carver, Michael Durrant, Emery Churcher, Walter Broad, Richard Stoneham, James Bennett, Clement Freeman, William Jupp, Thomas Crowter, John Barnard, James Mitchell, James Millar, *otherwiſe* Miller, William Newnham, Jeffery Carver, Randall Button, James Carver, John Martin, John Dedman *ſenior*, William Jennings, William Hards, Thomas Gear, William Ruſbridge, Henry Robinſon, *and* Henry Hannington, *from voting at elections of members to ſerve in parliament, and for the preventing bribery and corruption in the election of members to ſerve in parliament for the borough of* New Shoreham, *in the county of* Suſſex.

Preamble.

WHEREAS *a wicked and corrupt ſociety, calling itſelf* the chriſtian ſociety, *hath, for ſeveral years, ſubſiſted in the borough of* New Shoreham, *in the county of* Suſſex, *and conſiſted of a great majority of perſons, having a right to vote at elections of members to ſerve in parliament for the ſaid borough: and whereas it appears that the chief end of the inſtitution of the ſaid ſociety was for the purpoſe of ſelling, from time to time, the ſeat or ſeats in parliament for the ſaid borough: and whereas* John Burnett, Charles Hannington, Thomas Haſelgrove, Ralph Moor, Thomas Parſons, Thomas Snook *junior*, Thomas Hannington, John Hannington, John Robinſon, William Cheeſman, George Browne, John Parſons, John Curl, Frederick Dean, William Dean, Samuel Tuppen, John Sawyers, Thomas Crowter, Thomas Pockney, Joſeph Dedman, John Dean, John Whiting, William Stevens, John Bawcomb, Robert Parker, John Hogsfleſh, John Purſe, John Dean, Thomas Jennings, John Snook *junior*, Richard Tilſtone, William Turner, Walter Sawyers, Charles Mitchell, John Jarmand, John Wood, Friend Daniel, William Gratwick, Nathaniel Hillman, Thomas Roberts, John Aſhman, William

William Cooter, Thomas Froſt, Michael Smith, Richard Carver, Michael Durrant, Emery Churcher, Walter Broad, Richard Stoneham, James Bennett, Clement Freeman, William Jupp, Thomas Crowter, John Barnard, James Mitchell, James Millar, *otherwiſe* Miller, William Newnham, Jeffery Carver, Randall Button, James Carver, John Martin, John Dedman *ſenior*, William Jennings, William Hards, Thomas Gear, William Ruſbridge, Henry Robinſon, *and* Henry Hannington, *were members of the ſaid ſociety: in order therefore to prevent ſuch unlawful practices for the future, and that the ſaid borough from henceforth be duly repreſented in parliament*, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid *John Burnett, Charles Hannington, Thomas Haſelgrove, Ralph Moor, Thomas Parſons, Thomas Snook* junior, *Thomas Hannington, John Hannington, John Robinſon, William Cheeſeman, George Browne, John Parſons, John Curl, Frederick Dean, William Dean, Samuel Tuppen, John Sawyers, Thomas Crowter, Thomas Pockney, Joſeph Dedman, John Dean, John Whiting, William Stevens, John Bawcomb, Robert Parker, John Hogsfleſh, John Purſe, John Dean, Thomas Jennings, John Snook* junior, *Richard Tilſtone, William Turner, Walter Sawyer, Charles Mitchell, John Jarmand, John Wood, Friend Daniel, William Gratwick, Nathaniel Hillman, Thomas Roberts, John Aſhman, William Cooter, Thomas Froſt, Michael Smith, Richard Carver, Michael Durrant, Emery Churcher, Walter Broad, Richard Stoneham, James Bennett, Clement Freeman, William Jupp, Thomas Crowter, John Barnard, James Mitchell, James Millar*, otherwiſe *Miller, William Newnham, Jeffery Carver, Randall Button, James Carver, John Martin, John Dedman* ſenior, *William Jennings, William Hards, Thomas Gear, William Ruſbridge, Henry Robinſon*, and *Henry Hannington*, ſhall be, and by virtue of this act are, from henceforth, incapacitated, and diſabled from giving any vote at any election for the chuſing a member or members to ſerve in parliament.

Freeholders, above 21 years of age, of 40 s. annually, entitled to vote.

II. And be it further enacted by the authority aforeſaid, That from henceforth it ſhall and may be lawful to and for every freeholder, being above the age of one and twenty years, who ſhall have within the *Rape* of *Bramber*, in the ſaid county of *Suſſex*, a freehold of the clear yearly value of forty ſhillings, to give his vote at every election of a burgeſs or burgeſſes to ſerve in parliament for the ſaid borough of *New Shoreham*.

Right of election in whom veſted.

III. And be it further enacted by the authority aforeſaid, That the right of election of a member or members to ſerve in parliament for the ſaid borough of *New Shoreham* ſhall be, and is hereby declared to be, in ſuch freeholders as aforeſaid, and in the perſons who, by the cuſtom and uſage of the ſaid borough, have, or ſhall hereafter have, a right to vote at ſuch election, thoſe whoſe names are mentioned herein, and incapacitated and diſabled by this act, only excepted; and the conſtable, or other proper officer for the time being, to whom the return of ſuch writ

or

or precept does belong, is hereby required to return the perſon or perſons, to ſerve in parliament for the ſaid borough, who ſhall have the major number of votes of ſuch freeholders and other perſons having a right to vote at ſuch election, (except ſuch perſons as are herein before excepted;) any law or uſage to the contrary notwithſtanding.

Freeholders, before admitted to poll, to take the following

IV. And be it further enacted by the authority aforeſaid, That every ſuch freeholder, before he is admitted to poll at any election for the ſaid borough, ſhall, if required by the candidates, or any of them, or any other perſon having a right to vote at the ſaid election, firſt take the oath, (or being one of the people called *quakers*, the ſolemn affirmation), following; *videlicet*,

Oath.

YOU ſhall ſwear, or, being a quaker, ſolemnly affirm, That you are a freeholder in the Rape *of* Bramber, *in the county of* Suſſex, *and have a freehold eſtate, conſiſting of* (ſpecifying the nature thereof, and if it conſiſts in meſſuages, lands, or tithes, in whoſe occupation the ſame are, and if in rent, the names of the owners or poſſeſſors of the tenements, out of which ſuch rent is iſſuing, or of ſome of them), *lying or being at* *within the* Rape *of* Bramber *in the county of* Suſſex, *of the clear yearly value of forty ſhillings, over and above all rents and charges payable out of or in reſpect of the ſame; and that you have been in the actual poſſeſſion or receipt of the rents and profits thereof for your own uſe above twelve calendar months, (or that the ſame came to you within the time aforeſaid, by deſcent, marriage, marriage-ſettlement, deviſe, or promotion, to a benefice in a church, or by promotion to an office); and that ſuch freehold eſtate has not been granted or made to you fraudulently, on purpoſe to qualify you to give your vote; and that the place of your abode is at* *in* *and that you are twenty-one years of age, as you believe; and that you have not been polled before at this election.*

Which oath, or ſolemn affirmation, the conſtable, or other proper officer to whom the return of any writ or precept for ſuch election ſhall belong, is hereby required to adminiſter: and in caſe any freeholder or other perſon, taking the ſaid oath or affirmation hereby appointed, ſhall thereby commit wilful perjury, and be thereof convicted; or if any perſon ſhall unlawfully and corruptly procure or ſuborn any freeholder or other perſon to take the ſaid oath or affirmation, in order to be polled, whereby he ſhall commit ſuch wilful perjury, and ſhall be thereof convicted, he and they, for every ſuch offence reſpectively, ſhall incur ſuch penalties as are inflicted on perſons guilty of perjury, or ſubornation of perjury, in and by two acts of parliament, one made in the fifth year of the reign of Queen *Elizabeth*, (intituled, *An act for puniſhing ſuch perſons as ſhall procure or commit wilful perjury, or ſuborn or procure any perſon to commit any wilful or corrupt perjury*); and the other made in the ſecond year of his late Majeſty's reign, (intituled, *An act for the more effectual preventing*,

Perſons guilty of perjury, &c. liable to the penalties as directed by

Act 5 Eliz.

and act 5 Geo. 2.

ing, and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money), contrary to the said acts.

Constable to back a precept the day of the receipt thereof.

V. And be it further enacted by the authority aforesaid, That such constable, or other proper officer, to whom any writ or precept shall be directed for making any election for the said borough, shall, upon the reception of such writ or precept, indorse upon the back thereof the day of his receipt thereof, in the presence of the party from whom he received such precept; and shall forthwith cause publick notice to be given within the said borough of *New Shoreham*, and at the towns of *Bramber* and *Stayning*, in the said county of *Sussex*, by fixing up a notice thereof in writing, on the market-houses, or on the doors of the churches of the said towns, of the day of election; and shall proceed to election thereupon, within the space of twelve days, and not less than eight days, next after his receipt of the same precept.

The act to be read publickly.

VI. And be it further enacted by the authority aforesaid, That this act shall be publickly read at every election for the said borough of *New Shoreham*, immediately after the acts directed by any act of parliament to be read thereat, and before the persons present shall proceed to make such election.

CAP. LVI.

An act for divesting out of the crown, and to vest in Gerald Fitzgerald of Rathrone, in the county of Meath, in the kingdom of Ireland, esquire, and his heirs, the reversion in fee of and in several lands in Ireland therein mentioned.

CAP. LVII.

An act to continue and render more effectual an act passed in the ninth year of his present Majesty, for repairing the roads leading from the turnpike road in Tring, *in the county of* Hertford, *through* Dunstable, Hitchin, Baldock, *and* Royston, *to the turnpike road at or near* Bournbridge; *and from the west end of* Wellbury Lane *to the turnpike road at the south end of* Barton, *in the counties of* Hertford, Bucks, Bedford, *and* Cambridge; *so far as the same relates to the repairing the roads in the* Royston *district of roads, in the said act particularly mentioned*

CAP. LVIII.

An act for enlarging the term and powers of an act, made in the second year of the reign of his present Majesty, intituled, An act for repairing and widening the high road leading from the north end of *Ballingdon Bridge in* Sudbury, *in the county of* Suffolk, *to the south gate in* Bury Saint Edmund's, *in the said county.*

CAP.

CAP. LIX.

An act to impower Charles Fitz Roy *esquire, to shut up certain footpaths in the parish of* Saint Pancras, *alias* Kentish Town, *in the county of* Middlesex, *and to oblige him to make and keep in repair for the future a foot-path in lieu thereof.*

CAP. LX.

An act for enlarging the term and powers of an act made in the eighth year of the reign of his present Majesty, intituled, An act for repairing several roads leading through the county of *Selkirk.*

CAP. LXI.

An act for enlarging the term and powers of an act, made in the seventh year of the reign of his present Majesty, for repairing and widening the road from Spernal Ash, *in the county of* Warwick, *to a street called* Digbeth, *in the town of* Birmingham.

CAP. LXII.

An act to explain, amend, and render more effectual, an act made in the eighth year of his present Majesty's reign, intituled, An act for making and maintaining a navigable cut or canal from the *Firth* or river of *Forth,* at or near the mouth of the river of *Carron,* in the county of *Stirling,* to the *Firth* or river of *Clyde,* at or near a place called *Dalmuir Burnfoot,* in the county of *Dumbarton*; and also a collateral cut from the same to the city of *Glasgow*; and for making a navigable cut or canal of communication, from the port and harbour of *Borrowstounness,* to join the said canal at or near the place where it will fall into the *Firth* of *Forth.*

CAP. LXIII.

An act to continue and render more effectual an act made in the seventeenth year of the reign of his late Majesty, for repairing the road from the end of Middleton Tyas Lane *to* Greetabridge, *and from thence to* Bowes, *in the north riding of the county of* York.

CAP. LXIV.

An act to enlarge the term and powers of an act, made in the twenty-sixth year of his late Majesty, for repairing and widening the road from the town of Tadcaster, *through*

through Collingham, Harewood, Arthington, *and* Pool, *to the town of* Otley, *in the weſt riding of the county of* York.

CAP. LXV.

An act to enlarge the term and powers of an act, made in the twenty-fifth year of his late Majeſty, for repairing the road from Knareſbrough, *in the county of* York, *by* Longflatt Lane, Gouldſbrough Fields, Flaxby, Allerton, Mauleverer, *and* Scate Moor, *to* Greenhamerton, *in the ſame county; and for making the ſame a high carriage road.*

CAP. LXVI.

An act to enlarge the term and powers of an act, made in the twenty-third year of the reign of his late Majeſty, for repairing the road from the city of York, *over* Skipbridge *to* Boroughbridge *in the county of* York.

CAP. LXVII.

An act to oblige the company of proprietors of the Birmingham *canal navigation to complete the ſaid canal to a field called* Newhall Ring, *adjoining to the town of* Birmingham, *in the county of* Warwick, *within a limited time, and to maintain and keep the ſame free and open for the paſſage of boats, barges, and other veſſels.*

CAP. LXVIII.

An act for repairing and widening the road from Collingham, *through* Wetherby, *to the city of* York.

CAP. LXIX.

An act for enlarging the term and powers granted by an act of the ninth year of his preſent Majeſty's reign, for repairing the road from the turnpike-gate in the townſhip of Greenfield, *to the north limits of the townſhip of* Moſtyn; *and from* Moſtyn *to* Heſillan; *and from* Llanerch y Mor *to* Pen y Fford Waen, *in the counties of* Flint *and* Denbigh; *and for extending the ſaid act to ſeveral other roads in the ſaid counties, and the county of* Carnarvon; *and for taking ſeveral roads within the ſaid counties out of the power of the truſtees appointed by two ſeveral acts of parliament of the twenty-ninth and thirtieth years of his late Majeſty; and for putting the ſaid roads under the direction of the truſtees appointed by the ſaid former and this preſent act.*

CAP.

CAP. LXX.

An act to continue and render more effectual several acts for repairing the highways between the Bear Inn *in* Reading *and* Puntfield, *in the county of* Berks, *and other roads in the said acts mentioned; and for repairing several other roads in this act mentioned.*

CAP. LXXI.

An act for repairing and widening the road from the Low-water Mark *of the river* Humber, *at or near* Brough Ferry, *in the parish of* Elloughton, *in the east riding of the county of* York, *to the north end of the town of* Brough, *and from thence through* South Cave *to* Coney Clappers, *in* South Newbald Holmes, *in the said riding.*

CAP. LXXII.

An act for draining and preserving certain fen lands and low grounds in the parishes of Stoke Ferry, Northwold, Wretton, Wereham, West Dereham, *and* Roxham, *in the county of* Norfolk.

CAP. LXXIII.

An act for amending, widening, turning, and altering the road from the bottom of Galley Hill, *near the town of* Witney, *to the cross in* Clanfield, *in the county of* Oxford.

CAP. LXXIV.

An act to continue and render more effectual three acts, made in the twelfth year of King George *the First, and in the eighteenth and thirty first years of his late Majesty, for repairing the roads from* Birmingham, *through* Warwick *to* Warmington, *and from* Birmingham, *through* Stratford upon Avon, *to* Edgehill, *in the county of* Warwick, *so far as the same relate to the road from* Birmingham, *through* Stratford upon Avon, *to* Stratford Bridge, *in the said county.*

CAP. LXXV.

An act for making a navigable cut or canal from Chesterfield, *in the county of* Derby, *through or near* Worksop *and* Retford, *to join the river* Trent, *at or near* Stockwith, *in the county of* Nottingham.

CAP. LXXVI.

An act for repairing and widening the road leading from

Peniſtone Bridge, *in the county of* York, *to* Grindleford Bridge, *in the county of* Derby; *and the roads ſeverally leading from* Bamford Woodgate, *over* Yorkſhire Bridge, *to the guide-poſt on* Thornhill Moor, *to or near the eighth mile-ſtone on* Hatherſage Moor, *and to the village of* Darwent, *in the ſaid county of* Derby.

CAP. LXXVII.

An act for repairing and widening ſeveral roads leading to the town of Lantriſſent; *and alſo the road leading from* Newbridge, *to a place called* The Old Furnace; *all in the county of* Glamorgan.

CAP. LXXVIII.

An act to enable the corporation of the governor, bailiffs, and commonalty of the company of conſervators of the Great Level *of the* Fens, *called* Bedford Level, *to complete and maintain the principal banks and works neceſſary to the well-draining and preſerving the* North Level, *part of the ſaid* Great Level, *and for laying taxes upon the lands within the ſaid* North Level, *and on divers lands adjoining thereto, in the manor of* Crowland.

CAP. LXXIX.

An act to enlarge the term and powers of ſo much of an act made in the twenty-fourth year of the reign of King George *the Second, as relates to the repairing the road from* Cramond Bridge *to the town of* Queensferry, *in the county of* Linlithgow.

CAP. LXXX.

An act for enlarging the term and powers of ſeveral acts made for repairing and amending that part of the road leading from a certain place called the White Poſt *on* Alconbury Hill, *in the county of* Huntingdon, *to* Wandsford Bridge, *in the ſaid county, called the* North Diviſion of the North Road; *and for repairing the road leading from* Stilton, *in the ſaid county of* Huntingdon, *to the city of* Peterborough, *in the county of* Northampton.

CAP. LXXXI.

An act to enlarge the term and powers of an act made in the twenty-fourth year of King George *the Second, for repairing the road leading from* Weſt Lavington *to the* De-

Devizes, *and from the* Devizes *to* Seend, *in the county of* Wilts.

CAP. LXXXII.

An act to enlarge the term contained in two ſeveral acts of parliament; and to repair, widen, and amend the road from the guide poſt at the weſterly end of Newton Lane, *within the townſhip of* Mancheſter, *in the county palatine of* Lancaſter, *to* Auſterlands, *in the pariſh of* Saddleworth, *in the county of* York.

CAP. LXXXIII.

An act to enlarge the term and powers of an act made in the eighteenth year of King George *the Second, to repair the road leading from* Tadcaſter Bridge, *within the county of the city of* York, *to a place near the ſaid city, called* Hobmoor Lane End.

CAP. LXXXIV.

An act for repairing, widening, turning, and altering the road from the market-houſe in the town of Great Farringdon, *in the county of* Berks, *to* Burford, *in the county of* Oxford.

CAP. LXXXV.

An act for repairing and widening the roads from the town of Peebles *to the* King's Eatedge, *and to* Gatehope-know Burnfoot, *and to the top of* Minchmoor, *and to* Lochhead, *in the county of* Peebles.

CAP. LXXXVI.

An act for repairing and widening the road from Stone *to* Lane End; *and to the road between* Leek *and* Sandon *on* Meir Heath, *and from thence to* Blythe Bridge; *and alſo from* Meir *to* Trentham, *and from thence to* Stableford Bridge, *in the county of* Stafford.

CAP. LXXXVII.

An act for repairing and widening the road from Shelton *to the road between* Cheadle *and* Leek, *and from* Bucknall *to* Weſton Coyney; *and from the road between* Cheadle *and* Leek *to the turnpike road above* Frogall Bridge; *and from the ſame road to the road between* Blyth Marſh *and* Thorp, *at or near* Ruehill Gate *in the county of* Stafford.

CAP.

CAP. LXXXVIII.

An act to continue and render more effectual two acts passed in the twelfth year of the reign of King George *the First, and the nineteenth year of the reign of his late Majesty, for repairing the road from* Market Harborough *to* Loughborough, *in the county of* Leicester; *and for repairing, widening, turning, and altering the road branching out of the aforesaid road, at a place called* Filling Gate *to a road called the* Foss Road, *and from thence to the turnpike road leading from* Melton Mowbray, *to the guide post in* Saint Margaret's Field, Leicester.

CAP. LXXXIX.

An act for making a navigable cut or canal from Bradford, *to join the* Leeds *and* Liverpoole *canal at* Windhill, *in the township of* Idle, *in the county of* York.

CAP. XC.

An act to enlarge the term and powers of an act made in the twenty-sixth year of the reign of King George *the Second, for repairing the roads from* Livingston, *by the kirk of* Shotts, *to the city of* Glasgow, *and by the town of* Hamilton *to the town of* Strathaven, *and for repairing and widening the road leading from the confines of the county of* Air, *at or near* Lochgate, *to the town of* Strathaven *in the county of* Lanark.

CAP. XCI.

An act to enlarge the term and powers of three acts, passed in the twelfth year of King George *the First, and the nineteenth and twenty-sixth years of his late Majesty, for repairing the road from* Liverpoole *to* Prescott, *and other roads in the county palatine of* Lancaster, *and for amending the road from the causeway at* Blacklow Brow, *to the causeway leading from* Prescot *to* Liverpoole, *and also through* Lime Kiln Lane, *to* Ranelagh House, *in* Liverpoole *aforesaid.*

CAP. XCII.

An act for enlarging and altering the terms and powers of several acts, made in the thirteenth year of the reign of King George *the First, and in the twenty-first year of the reign of King* George *the Second, for repairing the roads leading*

ing

ing from the town of Bromſgrove *to the town of* Dudley, *in the county of* Worceſter; *and from the ſaid town of* Bromſgrove *to the town of* Birmingham, *in the county of* Warwick; *ſo far as the ſaid acts relate to the repairing of the roads leading from the ſaid town of* Birmingham *to the ſaid town of* Bromſgrove.

CAP. XCIII.

An act for repairing and widening the road from Patrick's Croſs, *within the town of* Liverpoole, *in the county palatine of* Lancaſter, *to the town of* Preſton, *in the ſame county palatine.*

CAP. XCIV.

An act for repairing and widening the road from the turnpike road at Vinehall *in the pariſh of* Mountfield, *in the county of* Suſſex, *to* Cripp's Corner, *and from thence to* Staple-croſs, *and to the turnpike road near the windmill in the pariſh of* Beckley, *and from* Staple-croſs *to* Longley's *water corn-mill at* Kent Ditch, *and from* Cripp's Corner *to the town of* Rye *in the ſaid county.*

CAP. XCV.

An act for repairing and widening the road leading from Wem, *in the county of* Salop, *to the lime rocks at* Bron y Garth, *and ſeveral other roads in the counties of* Salop *and* Denbigh.

CAP. XCVI.

An act for repairing, widening, and keeping in repair, ſeveral roads leading from Tavernſpite *to the towns of* Pembroke *and* Tenby, *and to* Hubberſton Haking, *in the county of* Pembroke.

CAP. XCVII.

An act for amending and widening the road from Beſſelſleigh, *through* Wantage, *to* Hungerford, *in the county of* Berks; *and from* Wantage *to* Marlborough, *in the county of* Wilts; *and from the turnpike road between* Reading *and* Wallingford, *through* Halfpenny Lane, *to the* Old Red Houſe *upon* Wantage Downs, *and from thence to* Lamborn, *in the ſaid county of* Berks.

CAP. XCVIII.

An act for repairing and widening the road from Hodges

to Beadles Hill, *and from thence to the town of* Cuckfield, *and from* Beadles Hill *aforeſaid to the town of* Lindfield, *and from the turnpike road between* Cuckfield *and* Crawley, *to the town of* Horſham; *and alſo the road from* Swingate, *in the pariſh of* Burwaſh, *to* Shover Green, *in the pariſh of* Ticehurſt, *all in the county of* Suſſex.

CAP. XCIX.

An act for repairing and widening the roads from Hand Croſs *to* Corner Houſe, *and from thence to the turnpike road leading from* Horſham *to* Steyning, *and from* Corner Houſe *aforeſaid to the maypole in the town of* Henfield, *in the county of* Suſſex.

THE

STATUTES at Large, &c.

Anno regni GEORGII III. *Regis, Magnæ Britanniæ, Franciæ, & Hiberniæ, duodecimo.*

AT *the parliament begun and holden at* Weſtminſter, *the tenth day of* May, *Anno Dom.* 1768. *in the eighth year of the reign of our ſovereign lord* GEORGE *the Third, by the grace of God, of* Great Britain, France, *and* Ireland, *King, defender of the faith, &c. And from thence continued by ſeveral prorogations to the twenty-firſt day of* January, 1772; *being the fifth ſeſſion of the thirteenth parliament of* Great Britain.

CAP. I.

An act to continue and amend an act made in the laſt ſeſſion of parliament, intituled, An act to continue the prohibition of the exportation of corn, grain, meal, flour, bread, biſcuit, and ſtarch; and alſo of the extraction of low wines and ſpirits from wheat and wheat flour, for a further time; and alſo to prohibit the exportation of malt for a limited time.

WHEREAS *an act was made in the laſt ſeſſion of parliament, intituled,* An act to continue the prohibition of the exportation of corn, grain, meal, flour, bread, biſcuit, and ſtarch; and alſo of the extraction of low wines and ſpirits from wheat and wheat flour, for a further time; and alſo to prohibit the exportation of malt for a limited time; *which ſaid act was to continue in force until the twentieth day after the commencement of the then next ſeſſion of parliament: and whereas it is expedient that the ſaid act ſhould be continued for a further time*; May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted Preamble.

by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, that the ſaid act ſhall be, and the ſame is hereby further continued from the time therein limited for the expiration thereof, until the twentieth day after the commencement of the next ſeſſion of parliament.

Act 11 Geo. 3. further continued till the 20th day after the commencement of next ſeſſion.

II. And it is hereby further enacted by the authority aforeſaid, That, in caſe any mariner or other perſon on board any ſhip or veſſel, (other than and except the maſter or perſon having the charge or command thereof,) wherein any corn, grain, meal, malt, flour, bread, biſcuit, or ſtarch, ſhall be exported contrary to the intent and meaning of the ſaid recited act hereby continued, ſhall diſcover any ſuch offence to the commiſſioners, or any officer of his Majeſty's cuſtoms, within the ſpace of five months after ſuch offence ſhall be committed, ſuch mariner or other perſon, (except as aforeſaid) making ſuch diſcovery, ſhall, as an encouragement, have, and be intitled to receive, one third part of the net money, which ſhall be recovered and paid by means of ſuch diſcovery; after deducting, from the money recovered, the charges of proſecuting for and recovering the ſame; and one other third part thereof ſhall be to the uſe of his Majeſty, his heirs, and ſucceſſors; and the other third part to ſuch officer or officers of his Majeſty's cuſtoms, as ſhall ſue and proſecute for the ſame.

If perſon on board (except the maſter) ſhall diſcover an offence to the commiſſioners, &c. of cuſtoms, within three months after the offence, ſhall be intitled to one third of the net money recovered by means thereof; after deducting charges of proſecuting.

One third part thereof to his Majeſty's uſe; and the other to the proſecutor.

III. And be it further enacted by the authority aforeſaid, That the clauſe or clauſes in the ſaid act, inflicting penalties on all diſtillers or makers of low wines or ſpirits, who ſhall have in their cuſtody or poſſeſſion more than five quarters of wheat or wheat flour, ſhall not extend, or be conſtrued to extend, to any diſtiller or maker of low wines or ſpirits who practiſes the trade of a miller, and who was poſſeſſed of, and worked any mill or mills for grinding of wheat, on or before the firſt day of *October*, one thouſand ſeven hundred and ſeventy-one, for or upon account of any quantity of wheat or wheat flour which ſhall at any time, during the continuance of this act, be found in any ſuch mill or mills; any thing therein contained to the contrary notwithſtanding.

Clauſes in act 11 Geo. 3. inflicting penalties on makers of low wines, &c.

Not to extend to millers.

IV. Provided nevertheleſs, That the ſaid continuation may be abridged or ſhortened, and the ſaid act, or any part thereof, may be altered and varied, by any other act or acts to be made in this preſent ſeſſion of parliament.

Continuation may be abridged by parliament.

CAP.

CAP. II.

An act to continue for a further time an act made in the eighth year of his present Majesty's reign, intituled, An act to continue and amend an act made in the fifth year of the reign of his present Majesty, intituled, *An act for the importation of salted beef, pork, bacon, and butter, from* Ireland, *for a limited time; and for allowing the importation of salted beef, pork, bacon, and butter, from the* British *dominions in* America, *for a limited time.*

Preamble.

WHEREAS *an act was made in the fifth year of his present Majesty's reign, intituled,* An act for importation of salted beef, pork, bacon, and butter, from *Ireland*, for a limited time: *And whereas an act was made in the eighth year of his present Majesty's reign, to continue and amend the said first-mentioned act; and for allowing the importation of salted beef, pork, bacon, and butter, from the* British *dominions in* America, *for a limited time: and whereas by three acts made in the ninth, tenth, and eleventh years of the reign of his present Majesty, the said last-mentioned act was continued until the first day of* March, *one thousand seven hundred and seventy-two: and whereas it is expedient that the importation of the said goods and commodities should be allowed for a longer time;* May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act made in the eighth year of his present Majesty's reign, intituled, *An act to continue and amend an act made in the fifth year of the reign of his present Majesty, intituled,* An act for importation of salted beef, pork, bacon, and butter, from *Ireland*, for a limited time; and for allowing the importation of salted beef, pork, bacon, and butter, from the *British* dominions in America, for a limited time, shall continue, and be in full force and effect, until the first day of *March*, one thousand seven hundred and seventy-three.

Act 5 Geo. 3.

Act 8 Geo. 3.

and acts 9, 10, & 11 Geo. 3.

further continued till March 1, 1773.

CAP. III.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy-two. *At three shillings in the pound.*

CAP. IV.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

CAP. V.

An act for the regulation of his Majesty's marine forces, while on shore.

CAP. VI.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-two.

CAP. VII.

An act for explaining and amending an act made in the seventh year of his present Majesty, intituled, An act for taking off the inland duty of one shilling *per* pound weight upon all black and singlo teas consumed in *Great Britain*; and for granting a drawback upon the exportation of teas to *Ireland*, and the *British* dominions in *America*, for a limited time, upon such indemnification to be made in respect thereof by the *East India Company* as is therein mentioned, for permitting the exportation of teas in smaller quantities than one lot to *Ireland*, or the said dominions in *America*; and for preventing teas seized and condemned from being consumed in *Great Britain*; *and for settling certain doubts and disputes which have arisen upon the said act of parliament.*

Preamble. Act. 7 Geo. 3

WHEREAS *by an act of parliament made in the seventh year of his present Majesty, intituled,* An act for taking off the inland duty of one shilling *per* pound weight upon all black and singlo teas consumed in *Great Britain*; and for granting a drawback upon the exportation of teas to *Ireland* and the *British* dominions in *America*, for a limited time, upon such indemnification to be made in respect thereof by the *East India Company*, as is therein mentioned, for permitting the exportation of teas in smaller quantities than one lot to *Ireland*, or the said dominions in *America*; and for preventing teas seized and condemned from being consumed in *Great Britain*; *amongst other things reciting, That the taking off the inland duty of one shilling* per *pound weight, then payable as therein is mentioned, upon black and singlo teas, and the allowing, upon the exportation of all teas which shall be exported to* Ireland *and his Majesty's plantations in* America, *the whole of the duty paid upon the importation thereof into this kingdom, appear to be the most probable and expedient means of extending the consumption of teas legally imported within this kingdom, and of increasing the exportation of teas to* Ireland, *and to his Majesty's plantations in* America, *which are now chiefly furnished by foreigners in a course of illicit trade; and further reciting, that the united company of merchants of* England *trading to the* East Indies, *are willing and desirous to indemnify the publick in such manner as is therein after provided, with respect to any diminution of the revenue which should or might happen from this experiment, it is amongst other things enacted, That for and during the space of five years, to be computed from the fifth day of* July, *one thousand seven hundred and sixty-seven, the said inland duty of one shilling* per *pound weight upon teas shall not be paid for or in respect of any bohea, congo, souchong, or pekoe teas, commonly called* Black Teas, *or any teas known by the denomination of* Singlo Teas, *which shall be cleared for consumption within* Great Britain *out of the warehouses of the said united company, but that all such*

teas

teas ſo to be cleared, whether the ſame have been already or ſhall be hereafter ſold by the ſaid company, or their ſucceſſors, ſhall be, and are thereby free and diſcharged, during the ſaid term, from the ſaid inland duty; and it is thereby, amongſt other things, further enacted, That for and during the like ſpace of five years, to be computed from the fifth day of July, one thouſand ſeven hundred and ſixty-ſeven, there ſhall be drawn back and allowed for all teas exported from this kingdom, as merchandiſe to Ireland, or any of the Britiſh colonies or plantations in America, the whole duties of cuſtoms, payable upon the importation of ſuch teas, and for making good any diminution which might happen in the revenues of cuſtoms and exciſe, by the diſcontinuance of the ſaid duty, and the allowance of the ſaid drawback, during the term aforeſaid; it was further enacted, That on or before the firſt day of September, one thouſand ſeven hundred and ſixty-eight, and on or before the firſt day of September, in each of the four ſucceeding years, a true and exact account ſhall be taken, ſtated, and made up, by the proper officers of the cuſtoms and exciſe reſpectively, of the net produce of all the duties of cuſtoms, for and in reſpect of teas ſold by the ſaid company, and alſo of the net produce of the duties of exciſe, upon teas cleared out of the warehouſes, belonging to the ſaid company within the year, ending the fifth day of July immediately preceding the taking, ſtating, and making up ſuch accounts, and that a ſum which ſhall be equal to the annual net produce of the duties of cuſtoms, paid upon the importation of teas which were exported to Ireland, and the Britiſh colonies and plantations in America, upon an average for five years, preceding the fifth day of July, one thouſand ſeven hundred and ſixty-ſeven, ſhall be deducted from the total of the net produce, ſo ſtated of the ſaid duties of cuſtoms and exciſe in the ſaid account for the year ending the ſaid fifth day of July, one thouſand ſeven hundred and ſixty-eight, and for each of the ſaid four ſucceeding years reſpectively; and if after ſuch deduction ſhall have been made, the remaining ſum ſhall not amount to the ſum as ſhall be equal to the annual net produce of all the duties of cuſtoms, for and in reſpect of teas ſold by the ſaid company, and alſo to the annual net produce of the duties of exciſe, upon teas cleared out of the warehouſes of the ſaid company, on an average for five years, preceding the ſaid fifth day of July, one thouſand ſeven hundred and ſixty ſeven, then, and in every ſuch caſe, from time to time, as often as ſuch caſe ſhall ſo happen, the ſaid company or their ſucceſſors, within forty days after a copy of ſuch yearly account reſpectively, ſhall have been delivered to their chairman, deputy chairman, ſecretary, caſhier, or accomptant general, ſhall advance and pay for every ſuch year reſpectively, into the receipt of his Majeſty's exchequer, for his Majeſty's uſe, ſuch ſum of money as ſhall, with the monies remaining in ſuch reſpective annual account, after the deduction aforeſaid ſhall have been made, amount to ſuch a ſum, as ſhall be equal to the annual net produce of all the ſaid duties of cuſtoms and exciſe upon teas, on the ſaid average of five years, preceding the ſaid fifth day of July, one thouſand ſeven hundred and ſixty-ſeven, ſo as the money to be paid by the ſaid company, or their ſucceſſors, in purſuance of the ſaid act, ſhall not in any one of the ſaid five years, exceed ſuch a ſum, as ſhall be

equal to the annual net amount of the ſaid inland duty of one ſhilling per pound weight, upon teas cleared from the warehouſes of the ſaid company for conſumption within Great Britain, *and alſo to the annual net amount of the duties of cuſtoms, paid on the importation of teas, which were exported to* Ireland, *and the* Britiſh *colonies and plantations in* America, *upon an average for five years, preceding the fifth day of* July, *one thouſand ſeven hundred and ſixty-ſeven: and whereas the annual net produce of the duties of cuſtoms, paid upon the importation of teas, which were exported to* Ireland, *and the* Britiſh *colonies and plantations in* America, *upon an average for five years, preceding the fifth day of* July, *one thouſand ſeven hundred and ſixty-ſeven, is found, to amount to the ſum of thirty-two thouſand three hundred and two pounds, four ſhillings, and ſixpence, and the annual net produce of all the duties of cuſtoms, for or in reſpect of teas ſold by the ſaid company, together with the annual net produce of the duties of exciſe upon teas, cleared out from the warehouſes of the ſaid company, on an average of five years, preceding the fifth day of* July, *one thouſand ſeven hundred and ſixty-ſeven, is found to amount to the ſum of ſeven hundred and eighteen thouſand, nine hundred and ſixty-ſix pounds, one ſhilling, and two-fifth parts of a penny: and whereas if the ſaid ſum of thirty-two thouſand three hundred and two pounds, four ſhillings and ſixpence, ſhould be deducted from the total of the net produce of the cuſtoms of exciſe, upon teas ſold by the ſaid united company, and cleared out of their warehouſes, after paying ſuch drawbacks as are allowed by the ſaid in part-recited act, in the year ending on the ſaid fifth day of* July, *one thouſand ſeven hundred and ſixty-eight, and in each of the ſaid four ſucceeding years; and, if the ſaid united company ſhould be bound to pay ſuch ſum, as will make the ſum which ſhall remain after ſuch deduction equal to the ſaid ſum of ſeven hundred and eighteen thouſand nine hundred and ſixty-ſix pounds, one ſhilling, and two-fifth parts of a penny, your Majeſty would probably in every of the ſaid years, receive from the ſaid united company a greater ſum of money, in the name of indemnity, than the actual deficiency of your Majeſty's revenue, computed upon the average in the ſaid recited act mentioned, would amount to; and, on the other hand, if the ſaid deduction ſhould be made from the ſaid total of the produce of the cuſtoms and exciſe, upon teas ſold by and cleared out of the warehouſes of the ſaid united company for the year, ending on the ſaid fifth day of* July, *one thouſand ſeven hundred and ſixty-eight, and for each of the ſaid four ſucceeding years, before paying or deducting ſuch drawbacks as are allowed by the ſaid recited act; and if the ſaid company ſhould only pay ſuch ſum, as would make the ſum, in ſuch caſe, remaining equal to the ſaid ſum of ſeven hundred and eighteen thouſand nine hundred and ſixty-ſix pounds, one ſhilling, and two-fifth parts of a penny, your Majeſty would probably in every of the ſaid years, receive leſs than the actual deficiency of your Majeſty's revenue, computed upon the average in the ſaid act mentioned, would amount to; ſo that the rule preſcribed by the ſaid act, for eſtimating the indemnity thereby provided, is inadequate and ineffectual, whereupon doubts and diſputes have ariſen between the officers of your Majeſty's revenue, and the ſaid united company concerning the manner of*

aſcertaining the ſame: and whereas it appears to have been the true intent and meaning of the ſaid act, That the ſaid united company ſhould fully indemnify your Majeſty, for any diminution of your Majeſty's revenue, which might happen from the experiment in the ſaid act mentioned, by paying to your Majeſty ſuch ſum of money as ſhould be ſufficient to make the net produce of the duties of cuſtoms and exciſe, upon teas ſold by and cleared out of the warehouſes of the ſaid company in the ſaid year, to be computed from the fifth day of July, *one thouſand ſeven hundred and ſixty-ſeven, after paying the ſaid drawbacks allowed by the ſaid act, and in each of the ſaid four ſucceeding years, after the like payment of the ſaid drawbacks, equal to the ſaid ſum of ſeven hundred and eighteen thouſand nine hundred and ſixty-ſix pounds, one ſhilling, and two-fifth parts of a penny, and the ſaid united company are willing, and have agreed, to indemnify your Majeſty accordingly, provided the ſeveral ſums ſo to be computed, may be accepted in ſatisfaction and diſcharge of their agreement, and of the act herein-before recited*; May it therefore pleaſe your moſt excellent Majeſty, that it may be declared and enacted; and be it declared and enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That inſtead of the rate of indemnity provided by the ſaid act, and to be computed as therein is mentioned, the ſaid united company ſhall be liable to pay and make good to his Majeſty for the year ending on the fifth day of *July*, one thouſand ſeven hundred and ſixty-eight, and for each of the ſaid four ſucceeding years, ſuch ſum of money as, together with the net produce of cuſtoms, upon teas ſo by the ſaid company and the net produce of exciſe upon teas cleared out from the warehouſes of the ſaid company, ſhall, in and for each of the ſaid years, amount to the ſum of ſeven hundred and eighteen thouſand nine hundred and ſixty-ſix pounds, one ſhilling, and two-fifth parts of a penny, and no more.

Inſtead of the rate of indemnity, provided by the former act, the united company ſhall pay annually to his Majeſty for each ſucceeding year ſince 1768, The ſum of 718,966l. 1s. and two-fifth parts of a penny.

II. *And whereas by an account ſtated and made up in conformity to the rate of indemnity herein before laſt mentioned, for the firſt four of the ſaid five years, the ſaid four years ending on the fifth day of* July, *one thouſand ſeven hundred and ſeventy-one, the ſaid united company of merchants of* England *trading to the* Eaſt Indies, *ſtand indebted to his Majeſty in the ſum of one hundred and ſeventeen thouſand three hundred and fourteen pounds, one ſhilling, and three-pence, and ſeven-twentieth parts of a penny*; be it further enacted by the authority aforeſaid, That the ſaid company ſhall, on or before the fifth day of *July*, which will be in the year of our Lord one thouſand ſeven hundred and ſeventy-two, advance and pay into the receipt of his Majeſty's exchequer the ſaid ſum of one hundred and ſeventeen thouſand three hundred and fourteen pounds, one ſhilling, and three-pence, and ſeven-twentieth parts of a penny, without any abatement or defalcation whatſoever.

The ſaid united company, before July 5, 1772, to pay into the receipt of the exchequer 117,314l. 1s. 3d. and ſeven-twentieth parts of a penny.

III. And be it further enacted by the authority aforeſaid, That all the monies that ſhall be paid into the receipt of his Majeſty's exchequer, in purſuance of this act, ſhall be applied

All monies to be paid in purſuance of

to and for the uſes and purpoſes directed by the aforementioned act of the ſeventh year of the reign of his preſent Majeſty.

this act, ſhall be applied to the uſes of act 7 Geo. 3.

IV. And be it further enacted by the authority aforeſaid, That on or before the firſt day of *September*, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſeventy-two, a true and exact account ſhall be taken, ſtated, and made up by the proper officers of the cuſtoms and exciſe reſpectively, of the net produce of all the duties of cuſtoms for and in reſpect of teas ſold by the ſaid united company, and alſo the net produce of all the duties of exciſe upon teas cleared out from the warehouſes belonging to the ſaid united company, within the year ending the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two: and if the net ſum total of both the ſaid revenues, after paying the ſaid drawback allowed by the ſaid recited act, ſhall not amount to the ſum of ſeven hundred and eighteen thouſand nine hundred and ſixty-ſix pounds, one ſhilling, and two-fifth parts of a penny, the ſaid united company ſhall, within forty days after ſuch account ſhall have been delivered to their chairman, deputy chairman, ſecretary, caſhier, or accomptant general, advance and pay into the receipt of his Majeſty's exchequer, for his Majeſty's uſe, ſuch ſum of money as ſhall, together with the ſaid ſum total of cuſtoms and exciſe, computed as aforeſaid, make up the ſaid ſum of ſeven hundred and eighteen thouſand nine hundred and ſixty-ſix pounds, one ſhilling, and two-fifth parts of a penny.

Before Sept. 1, 1772, an exact account to be taken by the officers of the cuſtoms of the net duties in reſpect of teas ſold by the ſaid company; and alſo of the net produce of the duties of exciſe upon teas cleared out within the year 1772.

If the net ſum total of both revenues allowed by act 7 Geo. 3. ſhall not amount to 718,966l. 1s. and two-fifth parts of a penny, the united company ſhall make up the deficiency to the receipt of exchequer.

V. And be it further enacted, That the ſaid ſum of one hundred and ſeventeen thouſand three hundred and fourteen pounds, one ſhilling, and three-pence, and ſeventh-twentieth parts of a penny, and alſo ſuch ſum of money as ſhall be payable by the ſaid united company, in reſpect of the account hereinbefore directed to be made up for the year ending on the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, ſhall, in default of payment as aforeſaid, be ſued for and recovered in ſuch manner and form as the ſeveral ſums required to be paid in and by the ſaid recited act are therein directed to be ſued for and recovered.

In default of payment by the ſaid company, it may be ſued for and recovered, in manner directed by the former act.

VI. And be it further declared and enacted by the authority aforeſaid, That the ſaid recited act is and ſhall be confirmed and eſtabliſhed, except ſo far as the ſame is hereby explained, altered or repealed.

Act 7 Geo. 3. confirmed, except as hereby altered and explained,

CAP. VIII.

An act to explain and amend an act paſſed in the tenth year of his preſent Majeſty's reign, for paving, lighting, and watching the town of Plymouth, in the county of Devon, and for regulating the carmen and porters within the ſaid town.

CAP.

CAP. IX.

An act to enable the governor, bailiffs, and commonalty of the company of conſervators of the great level of the fens, commonly called Bedford Level, to borrow upon bonds further money, upon account of the middle and ſouth levels, part of the ſaid great level; and for eſtabliſhing a further certain fund, for payment of the bonds of the ſaid corporation, out of the ſaid middle and ſouth levels.

Preamble. Act 15 Car. 2. for draining Bedford level. Act 20 Car. 2. 27 Geo. 2. 29 Geo. 2. Order of Bedford level corporation, of 10 June, 1756, directing money to be applied to the principal banks of middle and ſouth levels only. Preſent debt of the corporation, on account of middle and ſouth levels: Annual intereſt thereof. Produce of a ſingle tax; alſo of a quarter tax. Power to borrow more money upon bonds, on account of middle and ſouth levels, ſo as the whole debt be not made to exceed the ſum of 44,000l. The ſeveral parts of the 83,000 acres as lie in the middle and ſouth levels, charged with a tax and a quarter during the continuance of any part of ſuch additional debt. Proviſo. Bonds to be transferrable, without ſtamps. Aſſignments to be entered with the regiſter of the Corporation. Money raiſed by the corporation upon the taxable lands in middle and ſouth levels, how to be applied. If bonds for money on account of the middle and ſouth levels be not paid by receiver, rents, Taxes, &c. to be veſted in perſons poſſeſſed of ſuch bonds: But no money borrowed for ſaid levels ſhall be charged on the rents, &c. of north level. How the money borrowed is to be applied. The ſum of 6000l. to be applied only in caſes of actual breach of bank; and to be repaid, ſo as to be a perpetual fund for that purpoſe. Publict act.

CAP. X.

An act for allowing further time for inrolment of deeds and wills made by papiſts; and for relief of Proteſtant Purchaſers.

WHEREAS *by a clauſe in an act of parliament paſſed in the third year of the reign of his late majeſty King* George *the Firſt, intituled,* An act for explaining an act paſſed in the laſt ſeſſion of parliament, intituled, *An act to oblige papiſts to regiſter their names and real eſtates, and for enlarging the time for ſuch regiſtering; and for ſecuring purchaſes made by Proteſtants*; it was enacted, That from and after the twenty-ninth day of *September*, in the year of our Lord one thouſand ſeven hundred and ſeventeen, no manors, lands, tenements, hereditaments, or any intereſt therein, or rent or profit thereout, ſhould paſs, alter or change, from any papiſt, or perſon profeſſing the popiſh religion, by any deed or will, except ſuch deed within ſix months after the date, and ſuch will, within ſix months after the death of the teſtator, ſhould be inrolled in one of the King's courts of record at *Weſtminſter*, or elſe within the ſame county or counties wherein the manors, lands, and tenements, lie, in ſuch manner as therein for that purpoſe is particularly directed: *and whereas by ſeveral acts of parliament made in the tenth year of his ſaid late Majeſty's reign, and in the third, ſixth, ninth, eleventh, twelfth, ſixteenth, nineteenth, twenty-ſixth, twenty-eighth, thirty-firſt, and thirty-third of his late majeſty King* George *the Second, and the ſecond, fourth, and ſeventh years of his preſent Majeſty's reign, it was enacted, That every deed and will made ſince the twenty-ninth day of* September,

Preamble. Clauſe in act 7 Geo. 1.

Acts 10 Geo. 1. 3, 6, 9, 11. 12, 16, 19, 26, 28, 31, & 33 Geo. 2. and 2, 4, & 7 Geo. 3.

one

one thouſand ſeven hundred and ſeventeen, in order to paſs, alter, or change, any manors, lands, tenements, or hereditaments, or any intereſt therein, or any rent or profit thereout, from any papiſt, or perſon profeſſing the popiſh religion, to any proteſtant or proteſtants, or by reaſon of which deed or will, any proteſtant or proteſtants may claim or derive any legal, equitable, or other intereſt whatſoever, to his, her, or their uſe, for his, her, or their benefit, or to the uſe or benefit of any other proteſtant or proteſtants, though not inrolled, or not inrolled in due time, ſhall be as good and effectual in law, as the ſame would have been in caſe the ſaid deeds and wills had been inrolled within the times limited, by the ſaid clauſes in the ſaid acts, for the inrolment thereof, provided the ſaid deeds and wills ſhould be inrolled on or before the firſt day of January, *one thouſand ſeven hundred and ſixty-eight, in ſuch manner as by the ſaid clauſe in the firſt-mentioned act is directed*; be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That every deed and will made ſince the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventeen, in order to paſs, alter, or change, any manors, lands, tenements, or hereditaments, or any intereſt therein, or any rent or profit thereout, from any papiſt or perſon profeſſing the popiſh religion, to any proteſtant or proteſtants, or by reaſon of which deed or will, any proteſtant or proteſtants may claim or derive any legal, equitable or other intereſt whatſoever, to his, her, or their uſe, for his, her, or their benefit, or to the uſe or benefit of any other proteſtant or proteſtants, though not inrolled, or not inrolled in due time, ſhall be as good and effectual in the law, as the ſame would have been in caſe the ſaid deeds and wills had been inrolled within the times limited by the ſaid clauſes in the ſaid acts for the inrolment thereof; provided the ſame deeds and wills ſhall be inrolled on or before the firſt day of *January*, one thouſand ſeven hundred and ſeventy-three, in ſuch manner as by the ſaid clauſe in the ſaid firſt-mentioned act is directed.

Deeds and wills of papiſts, made ſince Sept. 29, 1717, though not inrolled in due time, ſhall be good in law, as if inroiled within the time limited by the former acts. Deeds and wills to be inrolled before Jan. 1. 1773.

II. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to make good any ſuch deed, will, or leaſe, already made and not inrolled, of the want of inrolment whereof advantage ſhall have been taken on or before the fifth day of *May*, one thouſand ſeven hundred and ſeventy-one; but every ſuch deed, will, or leaſe, ſhall remain of ſuch force and effect only, as the ſame would have had if this act had never been made, and of none other force and effect.

Nothing herein contained to extend to make good deeds, &c. already made and not inrolled, whereof advantage ſhall have been taken before May 5, 1771.

III. *And whereas many purchaſes made by proteſtants may be in danger of being impeached or called in queſtion, in regard that ſome deeds or wills, through which the title thereto is derived, ought to have been inrolled according to the ſaid acts, but have not been ſo inrolled*; be it therefore further enacted by the authority aforeſaid, That no purchaſe made for full and valuable conſideration of any manors, meſſuages, lands, tenements or hereditaments, or

No purchaſe made by proteſtants ſhall be impeached by reaſon that any deed, through which the title is derived, hath not been inrolled.

of

of any intereſt therein, by any proteſtant or proteſtants, and merely and only for the benefit of the proteſtants, ſhall be impeached or avoided, for or by reaſon that any deed or will, through which the title thereto is derived, hath not been inrolled as required by the ſaid acts, ſo as no advantage was taken of inrolment thereof before ſuch purchaſe was made, and ſo as no decree or judgement have been obtained for want of the inrolment of ſuch deeds or wills.

IV. Provided alſo, That nothing herein contained ſhall extend, or be conſtrued to extend, to make good any grant, leaſe, or mortgage, of the advowſon, or right of preſentation, collation, nomination, or donation, of and to any benefice, prebend, or eccleſiaſtical living, ſchool, hoſpital, or donative or any avoidance thereof, made by any papiſt or perſon profeſſing the popiſh religion, in truſt, directly or indirectly, mediately or immediately, by or for any ſuch papiſt or perſon profeſſing the popiſh religion, whether ſuch truſt hath been declared by writing or not.

Not to extend to make good any mortgage, &c. to any benefice, &c. made by a papiſt.

CAP. XI.

An act for the better regulating the future marriages of the royal family.

Moſt gracious Sovereign,

WHEREAS *your Majeſty, from your paternal affection to your own family, and from your royal concern for the future weifare of your people, and the honour and dignity of your crown, was graciouſly pleaſed to recommend to your parliament to take into their ſerious conſideration, whether it might not be wiſe and expedient to ſupply the defect of the laws now in being; and, by ſome new proviſion, more effectually to guard the deſcendants of his late majeſty King* George *the Second, (other than the iſſue of princeſſes who have married, or may hereafter marry, into foreign families) from marrying without the approbation of your Majeſty, your heirs, or ſucceſſors, firſt had and obtained; we have taken this weighty matter into our ſerious conſideration; and, being ſenſible that marriages in the royal family are of the higheſt importance to the ſtate, and that therefore the Kings of this realm have ever been entruſted with the care and approbation thereof; and, being thoroughly convinced of the wiſdom and expediency of what your Majeſty has thought fit to recommend, upon this occaſion, we, your Majeſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, do humbly beſeech your Majeſty that it may be enacted*; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That no deſcendant of the body of his late majeſty King *George* the Second, male or female, (other than the iſſue of princeſſes who have married, or may hereafter marry, into foreign families) ſhall be capable of contracting matrimony without the previous conſent of his Majeſty, his heirs, or ſucceſſors, ſignified under the great ſeal, and declared in council, (which

Preamble.

No deſcendant of his late Majeſty, Geo. 2. (other than the iſſue of princeſſes married, or who may

marry into foreign families) shall be capable of contracting matrimony without the previous consent of his council, and such consent first had and obtained, shall be null and void, to all intents and purposes whatsoever.

(which consent, to preserve the memory thereof, is hereby directed to be set out in the licence and register of marriage, and to be entered in the books of the privy council;) and that every marriage, or matrimonial contract, of any such descendant, without such consent first had and obtained, shall be null and void, to all intents and purposes whatsoever.

majesty, his heirs, &c. signified under the great seal, declared in council books. Every marriage of any such descendant without such consent, shall be null and void.

In case any descendant of Geo. 2. being above 25 years old, shall persist to contract a marriage disapproved of by his majesty, such descendant, after giving 12 months notice to the privy council, may contract such marriage; and the same may be duly solemnized, both houses of parliament not declaring their disapprobation thereof.

II. Provided always, and be it enacted by the authority aforesaid, That, in case any such descendant of the body of his late majesty King *George* the Second, being above the age of twenty-five years, shall persist in his or her resolution to contract a marriage disapproved of, or dissented from, by the King, his heirs, or successors; that then such descendant, upon giving notice to the King's privy council, which notice is hereby directed to be entered in the books thereof, may, at any time from the expiration of twelve calendar months, after such notice given to the privy council as aforesaid, contract such marriage; and his or her marriage with the person before proposed, and rejected, may be duly solemnized, without the previous consent of his Majesty, his heirs, or successors; and such marriage shall be good, as if this act had never been made, unless both houses of parliament shall, before the expiration of the said twelve months, expressly declare their disapprobation of such intended marriage.

Persons who shall wilfully solemnize, or assist at the celebration of such marriage, without such consent, shall, on conviction, incur the penalties provided by the statute of premunire 16 *Ric.* 2.

without the previous consent of his Majesty; and shall be good; except

III. And be it further enacted by the authority aforesaid, That every person who shall knowingly or wilfully presume to solemnize, or to assist, or to be present at the celebration of any marriage with any such descendant, or at his or her making any matrimonial contract, without such consent as aforesaid first had and obtained, except in the case above-mentioned, shall, being duly convicted thereof, incur and suffer the pains and penalties ordained and provided by the statute of provision and premunire made in the sixteenth year of the reign of *Richard* the Second.

CAP. XII.

An act for further continuing two acts made in the sixth and ninth years of his Majesty's reign, for punishing mutiny and desertion, and for the better payment of the army and their quarters, in his Majesty's dominions in America.

Preamble. Act 11 Geo. 3.

WHEREAS *an act passed in the eleventh year of his present Majesty's reign, intituled,* An act for further continuing two acts made in the sixth and ninth years of his Majesty's reign, for punishing mutiny and desertion, and for the better payment of the army and their quarters, in his Majesty's dominions in *America, which act was to continue, and be in force, in all his Majesty's dominions in* America, *from the twenty-fourth day of* March,

March, *one thouſand ſeven hundred and ſeventy-two, until the twenty-fourth day of* March, *one thouſand ſeven hundred and ſeventy-three: and whereas it has been found neceſſary that the ſaid acts, made in the ſixth and ninth years of his Majeſty's reign, ſhould be continued for a further time:* may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid acts ſhall be, and the ſame are hereby continued until the twenty-fourth day of *March*, one thouſand ſeven hundred and ſeventy-four.

which was to continue in force, till March 24, 1773,

further continued till March 24, 1774.

CAP. XIII.

An act for defraying the charge of the pay and cloathing of the militia in that part of Great Britain *called* England, *for one year, beginning the twenty-fifth day of* March, *one thouſand ſeven hundred and ſeventy-two.*

WHEREAS *it is neceſſary that proviſion ſhould be made for defraying the charge of the pay and cloathing for the militia, in that part of* Great Britain *called* England, *for one year, from the twenty-fifth day of* March, *one thouſand ſeven hundred and ſeventy-two*; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That in every county, riding, or place, within that part of *Great Britain* called *England*, where the militia is or ſhall be raiſed, the receiver or receivers-general of the land-tax of ſuch county, riding, or place reſpectively, ſhall iſſue and pay the whole ſums required, in the manner, and for the ſeveral uſes herein-after mentioned; that is to ſay, for the pay of the ſaid militia for four calendar months in advance, at the rate of ſix ſhillings a day for each adjutant, where an adjutant is appointed; and at the rate of one ſhilling for each ſerjeant, with the addition of two ſhillings and ſixpence a week for each ſerjeant-major where a ſerjeant-major is appointed; and at the rate of ſixpence a day for each drummer, with the addition of ſixpence a day for each drum-major, where a drum-major is appointed; and alſo at the rate of ſixpence a month for each private man and drummer, for defraying the contingent expences of each regiment, battalion, and independant company of militia; one penny whereof ſhall be applied for defraying the hoſpital expences of each regiment, battalion, or independant company, during the time of the men's being from home, upon account of their annual exerciſe; and alſo for half a year's ſalary for the clerk of each regiment or battalion of militia belonging to ſuch county, riding, or place, at the rate of fifty pounds a year; and alſo for the reſpective allowances to the clerk of the general meetings, and clerks of the ſeveral ſubdiviſion meetings, at the rates following; that is to ſay, to the clerk

Preamble.

Where the militia is or ſhall be raiſed, the receiver-general of the county is to iſſue four months pay in advance, according to the eſtabliſhment of pay here ſet down;

with half a year's ſalary to the regimental and battalion clerks;

and the allowances to the clerks of the general and ſubdiviſion meetings;

clerk of the general meetings, at the rate of five pounds five ſhillings for each meeting; and to the ſeveral clerks of the ſub-diviſion meetings, at the rate of one pound one ſhilling for each meeting; and alſo for the cloathing of the militia of ſuch county, riding or place, after the rate of three pounds ten ſhillings for each ſerjeant, and two pounds for each drummer, with the addition of one pound for each ſerjeant-major, and each drum-major; and with reſpect to the private militia men, where the militia hath not been cloathed within three years, at the rate of one pound ten ſhillings for each private man.

and pay for cloathing of the militia.

II. Provided nevertheleſs, That in any county, riding, or place, where pay has not yet been iſſued for the militia, no pay ſhall be iſſued until his Majeſty's lieutenant, or, in his abſence, or in caſe of a vacancy by the death or removal of his Majeſty's lieutenant, any three deputy lieutenants of any ſuch county, riding, or place, ſhall have certified to the commiſſioners of his Majeſty's treaſury, and to the receiver-general of the land-tax, that three-fifths of the number of private militia-men of ſuch county, riding, or place, have been inrolled, and that three-fifths of the proportion of their commiſſion officers have accepted their commiſſions, and entered their qualifications as by law required.

The above ſums are not to be paid, if pay has not before been iſſued, till the lord lieutenant or deputies ſhall have certified to the treaſury and receiver-general the inrolment of three fifths of the men and officers.

III. And be it enacted, That all ſuch ſums of money granted for the pay of the militia as aforeſaid, except ſuch as ſhall be due to the ſeveral clerks of the meetings aforeſaid, and except ſuch as ſhall be due on account of cloathing, ſhall, where the militia has never been embodied, be paid by the ſaid receiver or receivers-general of the land-tax, into the hands of the clerk or clerks of the regiments or battalions of militia belonging to ſuch county, riding, or place, upon his or their producing his or their warrant or warrants of appointment to ſuch office, under the hand and ſeal of his Majeſty's lieutenant for ſuch reſpective county, riding, or place; and where the militia has been embodied, into the hands of the clerk or clerks of the regiments or battalions, upon his or their producing his or their warrant or warrants of appointment to ſuch office, under the hand and ſeal of the colonel, or, where there is no colonel, of the commanding officer of each regiment or battalion reſpectively, notwithſtanding ſuch militia ſhall have been diſembodied; and where the militia ſhall be formed into an independent company, or independent companies, ſuch ſums as aforeſaid ſhall be paid by the ſaid receiver or receivers-general of the land-tax, into the hands of the reſpective captain of each independent company of militia, or to ſuch perſon as ſuch reſpective captain ſhall authoriſe to receive the ſame, according to the number of perſons hereby intitled to receive pay and cloathing, of which ſuch regiment or regiments, battalion or battalions, independent company or independent companies, ſhall have been appointed to conſiſt, according to the eſtabliſhment laid down in an act paſſed in the ſecond year of the reign of his preſent Majeſty, intituled, *An act to explain, amend, and reduce into one act of parliament*

and for independent companies to the reſpective captains, or to their order;

according to the eſtabliſhment laid down in the militia act of 2 Geo. 3.

ment the ſeveral laws now in being relating to the raiſing and train-ing the militia within that part of Great Britain *called* England; and ſuch receiver or receivers-general of the land tax ſhall alſo, within fourteen days after the expiration of the third calendar month from the time of the ſaid firſt payment, make a ſecond payment for four calendar months in advance; and ſhall alſo, within fourteen days after the expiration of the three calendar months from the time of the ſaid ſecond payment, make a third payment for four calendar months in advance, for the pay and contingent expences of the militia, and for the allowances to the regimental or battalion clerk or clerks aforeſaid, in the proportions herein before mentioned; and the receipts of ſuch clerk or clerks, and of ſuch captain of an independent company, or captains of independent companies, or of ſuch perſon or perſons as ſuch captain or captains ſhall ſo authoriſe to receive ſuch money as aforeſaid, ſhall be a ſufficient diſcharge to ſuch receiver or receivers-general of the land-tax for the ſeveral ſums of money ſo by him or them paid.

A ſecond payment is alſo to be made within 3 months after the firſt; and a third within three months after the ſecond. Receipts of the perſons to whom the money ſhall be ſo paid, diſcharge the receivers-general.

IV. And be it enacted, That the clerk of each regiment or battalion of militia ſhall forthwith, after the receipt of ſuch ſums of money as aforeſaid, pay, or cauſe to be paid, one calendar month's pay in advance to the adjutant of ſuch regiment or battalion reſpectively; and to the captain or officer commanding each company belonging to ſuch regiment or battalion, two months pay in advance for the ſerjeants and drummers; and alſo to the officer commanding the company to which the ſerjeant-major and drum-major ſhall belong, two months pay in advance for ſuch ſerjeant and drum-major; and ſo, from time to time, as long as any money on that account ſhall remain in his hands: which pay every ſuch captain or officer commanding is hereby required to diſtribute to ſuch perſon belonging to his company, by this act entitled to receive the ſame, as it ſhall become due; and the captain of each independent company is hereby required to diſtribute to each perſon belonging to his company intitled thereto, ſuch money as he ſhall receive for pay of his company by virtue of this act; and ſuch captain or officer commanding ſhall, once in every year, give into the clerk of the regiment or battalion to which ſuch company ſhall belong, or if captain of an independent company, to the receiver general, an account of the ſeveral payments he ſhall have made in purſuance of this act, according to the following form:

The regimental and battalion clerks are to pay in advance one month's pay to the adjutant; and two months pay to each captain for the ſerjeants and drummers; and for the ſerjeant-major and drum-major two months pay to be paid to the commanding officer of the company to which they belong: Captains to diſtribute the pay accordingly; and account for the ſame yearly to the clerk; or receiver-general if an independent company, according to the following Form;

County

County of

| | | |

ture thereof, and deliver the ſame to the colonel or officer commanding ſuch regiment or battalion, to be by him examined, allowed, and ſigned; which account ſo allowed and ſigned ſhall be, and it is hereby directed to be, the proper voucher and acquittal of ſuch clerk, for the application and diſpoſal of ſuch money.

Money allowed for contingent expences of independent companies to be applied and accounted for, by the captains.

VII. And be it enacted, That the money hereby directed to be iſſued for the contingent expences of each independent company of militia, ſhall be, in like manner, applied to the particular uſe of ſuch reſpective independent company by the captain thereof; and ſhall, yearly and every year, be in like manner accounted for to the receiver-general of the land-tax of the county or place to which ſuch independent company ſhall belong; whoſe allowance of ſuch account ſhall, in like manner, be the proper voucher for the expenditure and diſpoſition thereof.

Commanding officers to tranſmit to the court of Exchequer returns of the officers and private men inrolled, and ſerving at the annual exerciſe.

VIII. And be it further enacted by the authority aforeſaid, That the officer commanding every regiment, battalion, or independent company of militia, which ſhall be raiſed and trained purſuant to the laws now in force, ſhall, and they are hereby reſpectively required, from time to time, within thirty days after the exerciſing of every ſuch regiment, battalion, or independent company ſhall be finiſhed, purſuant to the directions of the laws now in being in that reſpect, tranſmit to the proper auditor of his Majeſty's court of *Exchequer* a compleat return, ſigned by ſuch officer commanding, of the ſeveral officers, non-commiſſioned officers, and private men, who were actually inrolled, and did ſerve in every ſuch regiment, battalion, or independent company, at the time the ſame were ſo exerciſed as aforeſaid, in like manner and form as is required to be made to one of his Majeſty's principal ſecretaries of ſtate.

Clerk to retain money in his hands for his own ſalary. When the ld. lieuts. or deputies ſhall have fixed the days of exerciſe, they are to certify the ſame to the receiver-general, ſpecifying the number of men, and days they ſhall be abſent from home. Receiver-general to iſſue thereupon pay for officers and men to the regimental clerk, &c.

IX. And be it enacted, That the ſaid regimental or battalion clerk may and ſhall retain to his own uſe, out of the money ſo by him received, ſuch further ſums as ſhall complete the allowance herein before made for his ſalary.

X. And be it further enacted, That whenever his Majeſty's lieutenant, or any three or more deputy-lieutenants of any county, riding, or place, ſhall have fixed the days of exerciſe for the militia, he or they ſhall, as ſoon as may be, certify the ſame to the receiver-general of ſuch county, riding, or place, ſpecifying the number of men, and the number of days ſuch men are to be abſent from home on account of ſuch exerciſe; and ſuch receiver-general is hereby required, within fourteen days after the receipt of ſuch certificate, to iſſue and pay to the clerk of the ſeveral regiments or battalions, at the rate of ſeven ſhillings and ſixpence *per* day for the captain of each company, and at the rate of three ſhillings and ſixpence *per* day for each lieutenant, and of three ſhillings *per* day for each enſign; and alſo at the rate of one ſhilling *per* day for each private militiaman, with the addition of ſixpence *per* day for each corporal of the militia, ſo to be called out to exerciſe, for the number of days ſuch officers and men ſhall be abſent from home on account

Where there shall be independent companies only, the receiver-general is to iſſue pay to the captains, according to the rate here ſet down.

count of ſuch exerciſe; and in ſuch counties where there ſhall be independent companies only, the receiver-general of each ſuch reſpective county ſhall iſſue and pay to the captains of the independent companies at the rate of ſeven ſhillings and ſixpence *per* day for each captain, three ſhillings and ſixpence *per* day for each lieutenant, and three ſhillings *per* day for each enſign; and alſo at the rate of one ſhilling *per* day for each private militia-man, with the addition of ſixpence *per* day for each corporal of the militia, ſo to be called out to exerciſe, for the number of days ſuch officers and men ſhall be abſent from home on account of ſuch exerciſe; and the ſaid regimental or battalion clerks are hereby required forthwith to pay to each captain of the ſaid regiments or battalions the proportion of pay belonging to each captain, and likewiſe the pay belonging to their reſpective companies.

Clerk to pay over the money to the reſpective captains.

Captains to make up their account according to the following form;

XI. And be it further enacted, That the captain of each company ſhall make up an account of all monies received and paid by him on account of ſuch exercife, according to the following form:

County of	Dr.	*Per contra*	Cr.
To caſh received of the regimental or battalion clerk, or receiver-general (*as the caſe ſhall be*) for days pay of men		By my pay as captain Paid lieutenant Paid enſign Paid militia men days Paid additional pay to corporals days	

to be ſigned by them, and counterſigned by the commanding officer, and delivered, with the balance, to the clerk, or receiver-general.

Which account ſhall be ſigned by the ſaid captain, and counterſigned by the commanding officer; and ſuch captain ſhall, within ten days after the time ſuch exerciſe is finiſhed, deliver ſuch account, and pay the balance, if there be any due, to the regimental or battalion clerk; or, if captain of an independent company, to the receiver general: and ſuch accounts ſhall be allowed as ſufficient vouchers in the paſſing of the accounts of ſuch receiver-general, at the receipt of his Majeſty's *Exchequer*.

Accounts allowed ſufficient vouchers.

During the time the troops are embodied, and called out into actual ſervice, and receive pay as the King's other forces, all pay and allowances from the receivers-general is to ceaſe.

XII. Provided always, and be it enacted, That where any regiment, battalion, or independent company of militia, is or ſhall be embodied, and called out into actual ſervice, and thereby the officers and private militia-men are or ſhall be intitled to the ſame pay as the officers and private men in his Majeſty's other regiments of foot receive, all pay from the receiver or receivers-general of the land-tax for the county, riding, or place, to which ſuch regiment, battalion, or independent company of militia ſhall belong, whether to the adjutants, ſerjeants, private militia-men, or others; and all money allowed as aforeſaid for the contingent expences of ſuch regiment, battalion, or independent company of militia; and alſo the allowance to the clerk of ſuch regiment or battalion, ſhall, during ſuch time of actual ſervice, and until ſuch regiment, battalion, or independent company

pany ſhall be diſembodied, and return home, ceaſe, and not be paid.

Receivers-general to pay the allowances to clerks of the general meetings, and to the clerks of the ſubdiviſion meetings, upon producing orders from the lieutenant or deputy-lieutenants; which orders to be a diſcharge to receivers-general.

XIII. And be it enacted, That the ſaid receiver or receivers of the land-tax ſhall pay to the clerk of the general meetings his allowance, at the rate of five pounds five ſhillings for each meeting, upon his producing an order or orders for that purpoſe from his Majeſty's lieutenant, or from three deputy-lieutenants aſſembled at ſome general meeting or meetings; and ſhall alſo pay to each and every of the clerks of the ſubdiviſion meetings their ſeveral allowances, at the rate of one pound one ſhilling for each meeting, upon his or their producing an order or orders from one or more deputy-lieutenant or deputy-lieutenants, aſſembled in the ſeveral ſubdiviſion meetings; which ſaid order or orders ſhall be to the ſaid receiver or receivers-general of the land-tax, a ſufficient diſcharge for the payment of ſuch allowances, and be allowed in his or their account.

Regimental and battalion clerk to give ſecurity for paying and accounting for the monies received by them;

the bonds to be lodged with the receivers-general, and put in ſuit by them on non-performance of the conditions;

and they are intitled thereupon to full coſts and charges;

and 5l. *per cent.* of the money recovered;

the reſidue to be accounted for to the auditor.

XIV. Provided always, and be it enacted, That the clerk of each regiment or battalion of militia ſhall give ſecurity to the receiver or receivers-general of the land tax of the county, riding, or place, to which ſuch regiment or battalion ſhall belong, by a bond to his Majeſty in the penalty of one half of the ſum required for the whole year's charge of the regiment or battalion of militia to which ſuch clerk ſhall belong, for duly anſwering and paying ſuch ſums as he ſhall, from time to time, have received, and for duly accounting for the ſame, and for performance of the truſt hereby in him repoſed; which ſaid bond ſhall be lodged in the hands of the receiver or receivers-general of the land-tax for the reſpective county, riding, or place, who, in caſe the ſaid regimental or battalion clerk ſhall not duly perform the conditions compriſed in the ſaid bond, ſhall, and is hereby required forthwith to put the ſaid bond in ſuit in the name of his Majeſty, his heirs and ſucceſſors; the full coſts and charges of which ſuit, in caſe judgement ſhall be given againſt ſuch regimental or battalion clerk, ſhall be paid by him to the ſaid receiver or receivers-general of the land-tax, who ſhall likewiſe be intitled to, and receive to his or their own uſe, at the rate of five pounds *per centum*, out of all ſuch monies as ſhall be by him or them recovered thereon; and ſhall account for the reſidue thereof with the proper auditor of his Majeſty's revenue: the ſaid receiver or receivers-general of the land-tax charging himſelf or themſelves therewith, upon the next account of the land-tax to be by him or them paſſed.

The regimental and battalions clerks, and captains of independent companies, are to deliver in accounts of their receipts and diſburſements,

XV. And be it enacted, That the clerk of every regiment or battalion of militia, and the captain of every independent company of militia, in every county, riding, and place, within the part of *Great Britain* aforeſaid, ſhall, between the twenty-fifth day of *March* and the twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, deliver to the receiver or receivers-general of the land-tax for the county, riding, or place, to which ſuch regiment, battalion, or independent company ſhall belong, a fair account, in writing, of all monies by him receiv-

ed and diſburſed for the ſervice of the preceding year, in purſuance of this act with proper vouchers for the ſame; and ſhall pay back to the ſaid receiver or receivers-general of the land-tax, any ſurplus of ſuch monies that ſhall then be in his hands; which ſaid accounts, ſigned by ſuch regimental or battalion clerk, or by ſuch captain of an independent company reſpectively, ſhall be tranſmitted by the ſaid receiver or receivers-general of the land-tax into the office of the proper auditor of his Majeſty's revenue.

Recovery of penalties, &c.

XVI. Provided always, and be it enacted, That all penalties, all coſts and charges of ſuit, and all ſums of money for which any perſon or perſons is or are by this act made anſwerable, may and ſhall be recovered in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint, or information, wherein no eſſoin, wager at law, or protection, or more than one imparlance, ſhall be allowed.

No fee payable for any warrant or ſum of money iſſued in purſuance of this act.

XVII. Provided always, and be it enacted, That no fee or gratuity whatſoever ſhall be given or paid for or upon account of any warrant or ſum of money which ſhall be iſſued in relation to, or in purſuance of, this act.

Officers on half-pay ſerving in the militia may receive the ſubſiſtence-money payable to captains lieutenants, or enſigns, they taking the following oath before a juſtice.

XVIII. Provided always, and be it enacted, That any perſon being on half-pay, or being intitled to any allowance, as having ſerved in any or either of the two troops of horſe guards, or regiment of horſe reduced, and ſerving in the militia, ſhall and may, and he is hereby impowered to receive and take the ſubſiſtence-money by this act directed to be paid to captains, lieutenants, or enſigns; and the receiving and taking ſuch ſubſiſtence-money by any ſuch captain, lieutenant, or enſign, ſhall not be deemed a receiving or taking pay, ſo as in any manner to prevent ſuch perſon on half-pay, or being intitled to any ſuch allowance, from receiving his half-pay, or ſuch allowance; and ſuch perſon ſhall take the following oath before ſome juſtice of the peace, who is hereby impowered to adminiſter the ſame;

The oath.

I A B *do ſwear, That I had not, between the* *any place or employment of profit, civil or military, under his Majeſty, beſides my allowance of half-pay as a reduced* *in late regiment of* (*or allowance as* *in late troop of horſe guards, or regiment of horſe reduced*) *ſave and except my ſubſiſtence as a lieutenant or enſign* (as the caſe may be,) *for ſerving in the militia of the county of*

And the taking the ſaid oath ſhall be ſufficient to intitle ſuch perſon to receive his half-pay, or the ſaid allowance, without taking any other oath; any law, uſage, or cuſtom, to the contrary thereof notwithſtanding.

Receiver-general, upon receiving a warrant from the commanding officer,

XIX. And be it further enacted by the authority aforeſaid, That the receiver-general of the land-tax, ſo ſoon as he ſhall receive a warrant under the hand of the colonel or commanding officer of their reſpective regiments or battalions, certifying the receipt

receipt of the cloathing and an order from the ſaid colonel or commanding officer for the money due on account of the ſame payable to the perſon or perſons who furniſhed the ſaid cloathing, ſhall pay the ſum mentioned in ſuch order to the perſon intitled to receive the ſame; and ſuch warrant and order, together with the receipt of the perſon receiving the ſaid money, ſhall be a ſufficient diſcharge to ſuch receiver-general.

certifying the receipt of the cloathing, and an order for payment, is to pay the ſame accordingly.

XX. And be it further enacted by the authority aforeſaid, That in caſe any regiment, battalion, or independent company, ſhall ceaſe and determine, during the continuance of this act, the ſum of three ſhillings *per diem* ſhall be paid to ſuch perſon as has actually ſerved as adjutant to ſuch regiment, battalion, or independent company, from the time ſuch regiment, battalion or independent company, ſhall ceaſe, to the twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy-three.

If any regiment, &c. ſhall ceaſe, 3s *per diem* is to be paid to the adjutant from ſuch time to 25 March, 1773.

CAP. XIV.

An act for clearing, deepthening, repairing, maintaining, and improving the haven and piers of Great Yarmouth; *and for deepthening, and making more navigable, the ſeveral rivers emptying themſelves into the ſaid haven; and for preſerving ſhips wintering therein from accidents by fire.*

WHEREAS *by an act made in the twenty-third year of the reign of his late majeſty King* George *the Second, intituled,* An act for repairing, improving, and maintaining the haven and piers of *Great Yarmouth*, and for deepthening and making more navigable the ſeveral rivers emptying themſelves into the ſaid haven, and alſo for preſerving ſhips wintering therein from accidents by fire; *ſeveral duties were granted for clearing, deepthening, repairing, extending, maintaining and improving the ſaid haven and piers, and for deepthening the channel of that part of the river* Yare *called* Braydon, *and for making more navigable the ſaid river* Yare, *and the rivers* Waveney *and* Bure, *which empty themſelves into the ſaid haven, and for repairing the bridge and publick quays belonging to the ſaid town; and alſo for preſerving ſhips wintering in the ſaid haven; which act will expire at the end of this preſent ſeſſion of parliament: and whereas the ſaid haven and piers will ſoon fall into decay, unleſs ſome timely and effectual proviſion be made by parliament for preſerving the ſame; therefore, for preſerving to the inhabitants of the ſaid borough and the adjacent counties, and of the city of* Norwich, *the benefit of the ſaid haven and piers, and to the end that the ſaid haven, which is of great importance to the trade of theſe kingdoms may be cleared and deepthened, and the ſaid piers and jettee, on the north ſide of the ſaid haven, may be preſerved and kept in repair, and timber and other materials for that purpoſe provided from time to time, as occaſion may require; and that the channel of that part of the river* Yare *called* Braydon, *leading from* Great Yarmouth *to the ſaid city of* Norwich, *and ſo much of the river* Wenſon, *commonly called* Yare, *as lies between the* New Mills *in* Norwich *and* Hardly Croſs, *in* Hardly, *in the county of* Norfolk, *and*

Preamble.

Act 23 Geo. 2.

alſo the river Waveney, *and alſo the river* Burc, *commonly called the* North River, *(which ſaid rivers empty themſelves into the ſaid haven) may be depthened, and made more navigable for boats and keels uſually paſſing upon the ſame, and that the bridge and publick quays belonging to the ſaid town may be repaired*; may it pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That,

After the 25th March 1772, the duties granted by the former act are to ceaſe; duties on goods, &c. unladen in the haven of Great Yarmouth, &c. Mayor, &c. to chuſe a collector. Collectors to take an oath. Collectors allowance for their trouble. Collectors to account for duties. Collectors not accounting to be committed. Commiſſioners how to be annually appointed. Firſt meeting of commiſſioners. Expences of the act how to be paid. The ſum of 3 d. to be divided in manner therein mentioned, and applied for the purpoſes of the act. Application of ſurplus money allotted to the county of Suffolk. Three-pence (other part of the ſaid duties) how to be applied. The laſt mentioned 3 d. ſhall not be raiſed without notice, that it is abſolutely neceſſary. How to be applied, if raiſed. The four-pence (part of the ſaid duties) how to be applied, except when the further duty of two-pence ſhall be raiſed. If four pence is not ſufficient, the commiſſioners may raiſe the additional ſum of two-pence. The additional two-pence not to be raiſed unleſs notice thereof ſhall be firſt given. Proviſo for ſaving part of the four-pence duty. In caſe neceſſary to increaſe the duty, commiſſioners may levy the whole four pence. If the mayor, &c. ſhall neglect to apply the aforeſaid duties, the commiſſioners at large may do it. The duty of 4 d. ſhall be applyed as the mayor, &c. ſhall direct, except when the additional duty of 2 d. ſhall be paid. Commiſſioners may examine the collectors upon oath. Perſons intruſted with money to give in accounts of their diſburſements, and pay over the balance to the commiſſioners. Perſons to appear and be examined with regard to their accounts before the commiſſioners or be committed. Commiſſioners neglecting to attend at the yearly meeting, the mayor, &c. to examine the accounts. Accounts up to March 25 to be ſettled by the commiſſioners. Mayor, &c. may remove officers, &c. inſpect the accounts of receipt and expenditure of money, &c. and enforce the payment of all money in arrear. Mayor, &c. not to remove any officer, &c. while the additional duty is raiſed. Collectors may enter veſſels to collect duties; and, in caſe of neglect of payment, for 10 days, they may be levied by diſtreſs and ſale. Officers of cuſtoms not to ſuffer ſhips to clear until the duties are paid. Proviſions exempt from the duties. Duties on certain goods imported to be repayed on exportation. Engineer to ſurvey that part of the river Wenſon or Yare between the New Mills and Hardly Croſs; who is to report the ſtate of the river to the juſtices. Copy of the report to be given to every offender, as relates to his offence, and the juſtices to order reparation to be made. Perſons offending, and refuſing to remove the incroachments, &c. to be proceeded againſt by the juſtices as the law directs. Proviſo. Engineer to give notice of his intention to make a ſurvey. Penalty on emptying rubbiſh, &c. into the haven. In order to prevent accidents by fire from the ſhips within the haven, watchmen, &c. are to be appointed. Watchmen and clappermen by whom to be paid. No fire nor lighted candle ſhall be allowed on board ſhips between Nov. 1, and March 1. Maſter, &c. mooring ſhips ſo as to prejudice the haven, to forfeit not exceeding 5 l. The duty of the pier maſter, and his accuſtomed fee for that duty. The ſame fee as formerly to be paid to the pier maſter, and how to be recovered. Pier maſter neglecting his duty, to forfeit not exceeding 40 s. Injuring the haven, by laying ballaſt, &c. on the quays, how to be prevented. Money directed to be paid for keeping watchmen, &c. and alſo penalties how to be recovered. Commencement and continuance of this act. Not to prejudice the tolls, &c. payable to the mayor, &c. by grants.

grants. Limitation of actions. General iſſue. Treble coſts. Publick act.

CAP. XV.

An act for lighting, cleanſing, and watching, the ſtreets, lanes, and other paſſages, of the burgh of Canongate, and the liberties of Pleaſance and Leith-wynd, adjoining to the royalty of the city of Edinburgh.

Preamble. Magiſtrates, &c. of Canongate, to direct the lighting, cleanſing, and watching the ſtreets, &c. Proceedings to be entered in books. Contracts may be made for lighting and cleanſing. Contracts not to be entered into till notice given. Magiſtrates, &c. to have no concern in contracts for lighting. Contracts to be paid out of monies raiſed for the purpoſe of this act. Writings exempt from ſtamp duties. Aſſeſſments to be made for lighting the ſtreets, &c. Qualification of the ſtent-maſters. Lamps within the Canongate to continue burning as long as the lamps within the city of Edinburgh. Three-fourth parts of the monies ariſing from the ſett of the dung, &c. to be applied towards cleanſing and watching. Dung, &c. to be let by publick roup. Magiſtrates to levy the monies leviable by act of parliament of Scotland in 1663, for the purpoſes of the act. Deficiency of the fund for lighting, how to be ſupplied. Deficiency of the fund for watching and cleanſing, how to be ſupplied. Expences of this act to be paid in the firſt place. Accounts to be kept. Saving the rights of the city of Edinburgh. Publick act.

CAP. XVI.

An act for deepening, cleanſing, ſcouring, preſerving and maintaining, the harbour of Port Glaſgow, for enlarging and improving the quays and piers, for erecting new breaſts, jettees, and piers, and for regulating ſhips, lighters, and other veſſels, trading into and going out of the ſaid harbour; and for other purpoſes therein mentioned.

Preamble. No pier, &c. to be built eaſt-ward of Black Houſe Nock. No wharfs, &c. to be erected on the lands belonging to Mr. Hamilton. Proviſo. Truſtees appointed. Harbour-duties to be paid, after June 1, 1772. What ſhips, &c. are exempted from duties. Maſters to allow their ſhips. &c. to be meaſured by the truſtees, or forfeit 5l. Truſtees to appoint collectors, receivers, and other officers, and to ſettle their ſalaries. Collectors to give ſecurity to the truſtees. Maſters of veſſels to produce receipts of the payment of the duties before ſhips are cleared. Harbour-duties to be levied, in caſe of refuſal to pay them, by diſtreſs and ſale. Ship-maſters, &c. evading the payment of the duties, to forfeit 5l and be ſtill liable for the rates. Truſtees may borrow 5000l. on the credit of the duties. Duties received to be applied (after paying expence of the act) towards improving the harbour, &c. Obſtructions, &c. in the harbour may be removed by the magiſtrates. Ships, &c. unfit for ſervice to be moved out of the harbour at the owners expence. And in caſe payment, be refuſed, to be levied by diſtreſs. Goods not to remain on the quays or piers longer than forty-eight hours. Truſtees may hire ware-houſes for lodging goods ſo removed. Gunpowder, and other combuſtible matter, not to remain on quays or piers longer than 24 hours. on forfeiture of 10l. Ships and veſſels may be removed from one birth to another, by order of the water baillie, &c. Maſter, &c. hindering a removal to forfeit 10l. Veſſels coming into the harbour in diſtreſs, to have the preference as to the birth and diſcharge, of other ſhips; maſter, &c. refuſing, to forfeit 10l. Perſons throwing ballaſt, &c. into the harbour to forfeit 40s. Ballaſt thrown on the quays, &c. to be immediately removed on pain of 40s. Maſters of veſſels anſwerable for damages done by their crews. Herrings, and other fiſh, not to be packed, or lie on the quays. Water bailiff or ſhore maſter to inſpect into the ſtate of the piers. Fines and forfeitures, amounting to 5l. how to be ſued for, recovered, and applied. Fines not amounting to 5l. how to be recovered. Penalties may be mitigated. For getting materials, and levelling the pits. If proper materials cannot be got in commons, &c. private grounds may be uſed; making ſatisfaction for the damage.

Truſtees impowered to make roads to the harbour through common or private ground, &c. after making ſatisfaction. Proviſo. Perſons deſtroying the works deemed guilty of felony. Bye laws, may be made by the Magiſtrates of Glaſgow. The perſons who ſhall be appointed commiſſioners for authoriſing, &c. all the works, &c. How commiſſioners are to be choſen on benalf of the merchants of Glaſgow; and how for the merchants of Port Glaſgow. General annual meeting to be held at Glaſgow; and the commiſſioners to bear their own expences. Commiſſioners at the annual meetings may adjourn from time to time. Rates may be leſſened with conſent of truſtees and creditors. Rates and duties to ceaſe on repayment of money borrowed. Saving the juriſdictions of the city of Glaſgow, and the rights of lords of manors. Magiſtrates, &c. of Dumbarton to enjoy former privileges. Act may be pleaded in actions brought in purſuance thereof. Sheriffs, &c. to aſſiſt in the execution of the act. Publick act.

CAP. XVII.

An act for lighting ſuch part of the town of Iſlington as lies in the pariſh of Saint Mary, Iſlington, in the county of Middleſex; and for eſtabliſhing a regular nightly watch therein.

Preamble Commiſſioners names. Commiſſioners, when reduced to leſs than forty, others to be choſen. Ten days publick notice to be given of the election of commiſſioners, Qualification of commiſſioners. Penalty of acting if not qualified. No victualler, &c. to act as a commiſſioner. Firſt meeting. Notice of adjourned publick meetings to be given to commiſſioners; and if a ſufficient number do not attend, publick notice to be given of the next meeting. Commiſſioners to defray their own charges. No commiſſioner to be intereſted in any contract, &c. and if intereſted, to forfeit 100 l. Commiſſioners may appoint a treaſurer, &c. Treaſurer to give ſecurity. Treaſurer to give twenty days notice of removing. On death of treaſurer, executors, &c. to account. Commiſſioners to ſettle and aſcertain the ſum to be raiſed for the enſuing year, and ſign a rate or aſſeſſment by way of pound-rate. Landlords to pay the rate for houſes lett out in apartments, or ready-furniſhed to lodgers: goods of ſuch lodgers ſhall be liable to pay the rate. Perſons to pay the rate in proportion to the time of occupying houſes, &c. Commiſſioners to compound or remit the rate to perſons who may appear unable to pay. Collectors to be appointed by the commiſſioners. Collectors to account, on oath, for all ſums received by them. In caſe of refuſal to deliver vouchers, &c. to be committed for ſix calendar months. Goods may be aſſeſſed in another county. Collectors may inſpect the land tax and poors rates books, *gratis*. Rates under former acts diſcontinued. Perſons rated, refuſing to pay, the ſums to be levied by diſtreſs. On collectors removing out of the town, dying, or if guilty of any neglect, or becoming inſolvent, another proper perſon to be appointed. Collector removing out of town, to give 20 days notice in writing to the vicar, &c. of the pariſh; and to account, &c. and if he ſhall die in his office, his executors, &c. to deliver vouchers, &c. to a proper perſon appointed by the commiſſioners. Arrears of rates how to be recovered. Allowance to be made to collectors. Collectors to give ſecurity. No collector to act as a truſtee. Deficiencies of one year to be made good by the next. Surplus to be carried to next year's account. Commiſſioners to direct the number of lamps, &c. and they may appoint or contract with perſons for the ſame; and direct how and where they are to be placed, &c. The property of the lamps, poſts, &c. veſted in commiſſioners. Perſons breaking or damaging lamps, poſts, irons, &c. For firſt offence, 10s. for ſecond offence, 15s. and for ſubequent offences 20s. In caſe of refuſal to be levied by diſtreſs. Commiſſioners to direct the number of watchmen, &c. Commiſſioners to make uſe of the preſent watch-houſe ſituate in the town. Copy of orders for the watchmen to be ſigned, and given to them ſeverally. Duty of the watchmen. Commiſſioners to appoint ſuperviſors. If any watchman be negligent, ſuperviſor to appoint another till next meeting. Superviſor neglecting to make good his complaint againſt a negligent watchman to forfeit 10s. and being negligent in his duty, &c. to

forfeit

forfeit, for every offence, 40 s. Supervisors to attend the commissioners at their several meetings, or forfeit 10 s. for every wilful neglect. Commissioners to make an allowance to supervisors. Punishment on watchmen neglecting duty. Watchmen neglecting to attend, others to be appointed. The property of watch-houses, boxes, stands, &c. built for the purposes hereof, to be vested in the commissioners. Penalties and forfeitures how to be applied. Justices of the peace to administer oaths. Penalties may be mitigated. Commissioners, who are in the commission of the peace, may act as justices. Proceedings to be entered in books; and all persons concerned may inspect the same without fee, &c. Commissioners to appoint a clerk. Notice of meetings to be given. Writings, &c. to be without stamps. Incidental charges to be defrayed out of the rates. Persons aggrieved may appeal to the quarter-sessions, whose order shall be final. Proceedings not to be quashed for want of form, nor removeable by *certiorari*. Distress not unlawful for want of form, nor the party be deemed a trespasser *ab initio*. Plaintiff not to recover, if tender of amends hath been made. Limitation of actions. General issue. Treble costs. Publick act.

CAP. XVIII.

An act for the better paving, cleansing, lighting, and watching, the streets and lanes in the town and parish of Chatham, in the county of Kent, and for removing and preventing nuisances and annoyances therein.

CAP. XIX.

An act to enable his Majesty to grant certain houses in Fenchurch-street *and* Addle-street, *in the city of* London, *escheated to the crown by the death of lieutenant-general* John Brown, *without heir, unto* Frederick Montagu *Esquire, and his heirs, upon the trusts therein mentioned.*

WHEREAS *lieutenant-general* John Brown, *late of* Hubbard's Hall, *in the county of* Essex, *Esquire, deceased, being seised of, or intitled in, fee-simple to the messuages or dwelling-houses in* Fenchurch-street *and* Addle-street, London, *herein-after mentioned, duly made and published his last will and testament in writing, bearing date the seventeenth day of* April, *one thousand seven hundred and fifty-six, and attested by three witnesses; and did thereby (amongst other things) give and devise his houses in* Fenchurch-street, *and one in* Addle-street *aforesaid, to the charity of* the Foundling Hospital; *and he thereby appointed the right honourable lady* Frances Burgoyne, *the wife of Sir* Roger Burgoyne *baronet, sole executrix of his last will: and whereas the said general* John Brown, *by a codicil to his said Will, bearing date the twenty-third day of* April, *one thousand seven hundred and fifty-six, expressed himself as follows; that is to say,* if wanting of legal forms my bequest to *the Foundling Hospital* shall not take place, I then give these houses to mistress *Ann Becher*, she paying her brother five hundred pounds: *and whereas the said codicil was attested only by one witness: and whereas* Ann Lucy Becher *spinster, in the said codicil called* mistress Ann Becher, *in the year one thousand seven hundred and sixty-three, intermarried with* Thomas Clarke, *colonel in his Majesty's* Coldstream *regiment of foot guards: and whereas the said* John Brown *died in the year one thousand seven hundred and sixty-four, without issue of his body, and without having made any other* Preamble.

disposition

diſpoſition of the ſaid houſes: and whereas the ſaid John Brown *was the natural or reputed ſon of the honourable general* Henry Lumley *deceaſed who was the great uncle of the ſaid lady* Frances Burgoyne: *and whereas after the deceaſe of the ſaid* John Brown, *certain differences aroſe between the ſaid Sir* Roger Burgoyne *and lady* Frances *his wife, and* Thomas Clarke, *and* Ann Lucy *his wife, in relation to their reſpective claims or pretenſions, under the ſaid will, and the codicils of the ſaid general* Brown: *and whereas the ſaid Sir* Roger Burgoyne *and lady* Frances *his wife, and* Thomas Clarke *and* Ann Lucy *his wife, afterwards ſettled the matters in difference between them in an amicable manner: and by indenture of four parts, bearing date the twenty-eighth day of* March, *one thouſand ſeven hundred and ſeventy, and made between the ſaid Sir* Roger Burgoyne, *and lady* Frances *his wife of the firſt part; the ſaid* Thomas Clarke, *and* Ann Lucy *his wife of the ſecond part;* Joyner Becher *of* Wokingham, *in the county of* Berks *gentleman, brother of the ſaid* Ann Lucy Clarke, *of the third part; and* Henry Lake *of* Sunning, *in the ſaid county of* Berks *gentleman of the fourth part; it was (amongſt other things) agreed, that all the ſaid parties thereto ſhould uſe all the means in their power to procure an inquiſition to be found whereby the ſaid houſes might be veſted in his Majeſty; and that immediately after ſuch inquiſition ſhould be found, the ſaid* Thomas Clarke *and* Ann Lucy *his wife, and Sir* Roger Burgoyne *and lady* Frances *his wife, ſhould jointly preſent an humble petition, or uſe ſuch other means, by application to parliament, or otherwiſe, as council ſhould adviſe, in order that the ſaid houſes might be granted to, or veſted in* Frederick Montagu *of* Papplewicke, *in the county of* Nottingham, *eſquire, (being a perſon mutually appointed by the ſaid Sir* Roger Burgoyne *and lady* Frances *his wife, and* Thomas Clarke *and* Ann Lucy *his wife,) his heirs and aſſigns, upon truſt, and to the intent that he, his heirs or aſſigns, might ſell the ſame houſes for the moſt money, and at the beſt price that could be got for the ſame, with the approbation of the ſaid Sir* Roger Burgoyne *and lady* Frances *his wife,* Thomas Clarke *and* Ann Lucy *his wife, and their reſpective heirs, executors, and adminiſtrators, and that the ſaid* Frederick Montagu, *his heirs and aſſigns, ſhould apply the money to ariſe by ſuch ſale, in the manner therein and herein-after mentioned; that is to ſay, in the firſt place, in the payment of whatever the rents of the ſaid premiſes ſhould fall ſhort of paying of the charges and expences therein mentioned; and, in the next place, in payment of all coſts, charges, and expences, of applying for, and obtaining ſuch grant or act of parliament, and all other expences incident to ſuch ſale; and, on the next place, in payment to the ſaid* Joyner Becher, *his executors or adminiſtrators of the ſum of three hundred pounds, in lieu of, and ſatisfaction for, the ſaid ſum of five hundred pounds, given to him by the ſaid codicil; and in payment, in the next place, to the ſaid* Thomas Clarke, *of the ſum of one hundred pounds, in full for his coſts of the ſuits therein mentioned; and that after the ſaid ſeveral payments ſhould be made, the remainder of the money to ariſe by ſuch ſale, together with the ſurplus of the ſaid rents, (if any) ſhould be equally divided into Moieties; and that one moiety thereof ſhould be paid to the ſaid*

ſaid Thomas Clarke *and* Ann Lucy *his wife, their executors, adminiſtrators, or aſſigns, and that the other moiety thereof ſhould be paid to the ſaid lady* Frances Burgoyne, *her executors, adminiſtrators, or aſſigns: and whereas a writ of eſcheat, bearing date the nineteenth day of* April, *in the tenth year of the reign of his preſent Majeſty, did iſſue, directed to the lord mayor of* London, *whereby he was directed to enquire (amongſt other things) when and where the ſaid* John Brown *died, and whether, without any heir or not, and if without any heir, what meſſuages, lands, tenements, and hereditaments, and of what yearly value he had at the time of his death, and of what eſtate he died ſeiſed in the city of* London, *and if he made or executed any deed or will whereby he meant to grant or diſpoſe of the ſame; and ſuch meſſuages and hereditaments, which were of the ſaid* John Brown *at the time of his death, which in right of his Majeſty's prerogative ought to devolve to his Majeſty, the ſaid lord mayor was thereby commanded to ſeize into his Majeſty's hands: and whereas on the ſixteenth day of* July, *one thouſand ſeven hundred and ſeventy-one an indenture and inquiſition were duly executed and taken at* Guildhall, *in the city of* London, *between* Braſs Croſby *eſquire, then lord mayor of* London, *and eſcheator of his Majeſty within the ſaid city, of the one part, and the ſeveral perſons whoſe names and ſeals were thereunto ſet jurors on the part and behalf of his Majeſty, of the other part, whereby it was found, (amongſt other things,) that the ſaid* John Brown *died at* Dijon *in* France, *about the beginning of the year one thouſand ſeven hundred and ſixty-four, without any heir, and that he was at his death ſeiſed in fee of two meſſuages or tenements, ſituate in the pariſh of* Saint Gabriel, *in the city of* London, *one of which was then in the poſſeſſion of* George Blakeſley, *at the yearly rent of thirty-one pounds, and that the other of the ſaid meſſuages was then in the occupation of* Elizabeth Hayes *widow, at the yearly rent of fifty pounds; and that he was alſo ſeiſed of a meſſuage, with the appurtenances, in* Addle ſtreet, *in the pariſh of* Saint Faith the Virgin, Aldermanbury, *in the ſaid city, then in the tenure of* Sarah Adney, *at the yearly rent of fifteen pounds; and that the ſaid three meſſuages or tenements were held of his Majeſty in Soccage, and that the ſaid* John Brown *made and publiſhed ſuch will and codicil of ſuch reſpective dates and purports, and atteſted reſpectively as herein before is mentioned, and the ſaid* Braſs Croſby *did thereby certify, that he had ſeized and taken the ſaid three meſſuages with their appurtenances into the hands of his Majeſty: And whereas the ſaid Sir* Roger Burgoyne *and dame* Frances *his wife, colonel* Thomas Clarke *and* Ann Lucy *his wife* Joyner Becher, *and* Frederick Montagu, *by a petition preſented to the lords commiſſioners of his Majeſty's treaſury, did pray, that their lordſhips would move his Majeſty to conſent that a bill might be brought into parliament, for veſting the ſaid houſes in the ſaid* Frederick Montagu, *and his heirs, for the purpoſes mentioned in the ſaid indenture of the twenty-eighth of* March, *one thouſand ſeven hundred and ſeventy: And whereas your Majeſty hath been graciouſly pleaſed to conſent that the ſaid houſes, now eſcheated to the crown, may be granted to, and veſted in the ſaid* Frederick Montagu, *his heirs and aſſigns, upon the truſts herein before mentioned,*

and

and in and by the ſaid indenture of the twenty-eighth of March, *one thouſand ſeven hundred and ſeventy, expreſſed and declared; but, as the inheritance in fee-ſimple of the ſaid houſes, now veſted in the crown, cannot be effectually granted or diſpoſed of without the ſanction, aid, and authority of an act of Parliament*; May it therefore pleaſe your moſt excellent Majeſty (at the humble requeſt and petition of the ſaid ſir *Roger Burgoyne* and lady *Frances* his wife, *Thomas Clarke* and *Ann Lucy* his wife, *Joyner Becher*, and *Frederick Montagu*) that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall be lawful to and for the King's moſt excellent majeſty, his heirs and ſucceſſors, at any time or times hereafter, by any letters patent, indenture or indentures, under the great ſeal of *Great Britain*, hereafter to be made, to grant, convey, and aſſure, unto the ſaid *Frederick Montagu*, and his heirs, the ſaid two meſſuages, or dwelling-houſes, ſituate in *Fenchurch-ſtreet* aforeſaid, and the ſaid meſſuage, or dwelling-houſe, ſituate in *Addle-ſtreet* aforeſaid, herein-before particularly mentioned and deſcribed, and now eſcheated to the crown, with all and ſingular out-houſes, edifices, yards, backſides, ways, waters, watercourſes, lights, eaſements, liberties, privileges, profits, commodities, advantages, emoluments, hereditaments, and appurtenances to the ſame, and every or any of them belonging, or in anywiſe appertaining, and the reverſion and reverſions, remainder and remainders, yearly and other rents, iſſues, and profits, of all and ſingular the ſaid meſſuages and premiſes, to have and to hold the ſaid meſſuages or dwelling-houſes, with the appurtenances thereto belonging, unto and to the uſe of the ſaid *Frederick Montagu*, his heirs and aſſigns, for ever; but nevertheleſs upon truſt, and to the intent that he the ſaid *Frederick Montagu*, his heirs or aſſigns, do and ſhall ſell the ſame houſes for the moſt money, and at the beſt price that can be got for the ſame, with the approbation of the ſaid ſir *Roger Burgoyne* and lady *Frances* his wife, *Thomas Clarke* and *Ann Lucy* his wife, and their reſpective heirs, executors, and adminiſtrators, and that he the ſaid *Frederick Montagu*, his heirs and aſſigns, do and ſhall apply the money to ariſe by ſuch ſale in the manner and for the purpoſes in and by the ſaid indenture of the twenty-eighth of *March*, one thouſand ſeven hundred and ſeventy, mentioned and declared of and concerning the ſame.

His Majeſty may aſſign to Frederick Montagu, &c. certain meſſuages in Fenchurch-ſtreet, &c.

II. And it is hereby further enacted by the authority aforeſaid, That any ſuch grant, conveyance, or aſſurance of the ſaid premiſes, or any part thereof, as ſhall be made by his Majeſty, his heirs or ſucceſſors, by any ſuch letters patent, indenture or indentures, as aforeſaid, in purſuance of this act, ſhall be, and is and are hereby enacted to be good and effectual in the law, according to the tenor and purport thereof in the ſaid letters patent, indenture or indentures, to be expreſſed, notwithſtanding any reſtriction, matter, or thing contained in an act of parliament

Such conveyance, ſo made, ſhall be effectual in the law notwithſtanding.

made in the first year of the reign of her late majesty Queen *Anne*, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*, or any other law or statute, or any misrecital or non-recital, omission, or other defect in the said letters patent, indenture or indentures, hereafter to be made, in any-wise notwithstanding. Act 1 Annæ.

On sale of the premises. Frederick Montagu, his heirs, &c. shall give receipts for the money, which shall be effectual discharges.

II. And it is hereby further enacted and declared, by the authority aforesaid, That after any such grant, conveyance, or assurance of the said premises, or any part thereof, shall have been made by his Majesty, his heirs or successors as aforesaid, and when the said premises, or any part thereof, shall be sold by the said *Frederick Montagu*, his heirs or assigns, in pursuance of this act, it shall and may be lawful for the said *Frederick Montagu*, his heirs and assigns, to give and sign one or more receipt or receipts for the money to arise by any such sale; which receipt or receipts shall be a good and effectual discharge or discharges to the purchaser or purchasers of the said premises, or any part thereof, and to his, her, and their heirs and assigns, for so much money as in such receipt or receipts shall be expressed or acknowledged to be received; and such purchaser or purchasers, his, her, or their heirs or assigns, shall not afterwards be answerable or accountable for any loss, application, mis-application, or non-application of the said purchase-money, or any part thereof.

Saving all interest therein to persons concerned, except his Majesty, &c.

IV. Saving always to all and every person and persons, bodies politick and corporate, his, her, and their heirs, successors, executors, and administrators, (other than and except the King's most excellent majesty, his heirs and successors, and the said sir *Roger Burgoyne* and lady *Frances* his wife, *Thomas Clarke* and *Ann Lucy* his wife, *Joyner Becher*, and *Frederick Montagu*, their respective heirs, executors, and administrators), all such estate, right, title, and interest of, in, to, or out of the said premises, or any part thereof, as they, or any of them, could or might have had if this act had not been made.

CAP. XX.

An act for the more effectual proceeding against persons standing mute on their arraignment for felony, or piracy.

Preamble.

FOR *the more effectual proceeding against persons standing mute on their arraignment for felony, or piracy*, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

Persons hereafter to be arraigned for felony, or piracy, standing mute, shall be convicted of such felony or piracy.

That if any person, from and after the passing of this act, being arraigned on any indictment, or appeal for felony, or on any indictment for piracy, shall, upon such arraignment, stand mute, or will not answer directly to the felony, or piracy, such person so standing mute, as aforesaid, shall be convicted of the felony or piracy charged in such indictment or appeal; and the court before whom he shall be so arraigned shall thereupon award

award judgement and execution againſt ſuch perſon, in the ſame manner as if ſuch perſon been convicted by verdict or confeſſion of the felony, or piracy, charged in ſuch indictment or appeal; and ſuch judgement ſhall have all the ſame conſequences in every reſpect as if ſuch perſon had been convicted by verdict or confeſſion of ſuch felony or piracy, and judgement had been thereupon awarded.

Provisons of this act to extend to America.

II. And be it further enacted, That the proviſions of this act ſhall extend to his Majeſty's colonies and plantations in *America*.

CAP. XXI.

An act for giving relief in proceedings upon writs of Mandamus, *for the admiſſion of freemen into corporations; and for other purpoſes therein mentioned.*

Preamble:

WHEREAS *divers perſons, who have a right to be admitted citizens, burgeſſes, or freemen, of divers cities, towns corporate, boroughs, cinque ports, and places, within that part of* Great Britain *called* England *and* Wales, *being refuſed to be admitted thereto, have, in many caſes, no other ordinary remedy to procure themſelves to be admitted to the franchiſes of being citizens, burgeſſes, or freemen, than by writs of* Mandamus, *the proceedings on which are very dilatory and expenſive; and, although any ſuch writ of* Mandamus *is obeyed, the perſon applying is nevertheleſs put to great and unneceſſary trouble, delay, and expence: and whereas by the laws now in being, in many caſes, no proviſion is made for giving coſts to the party ſuing out any ſuch writ where the ſame is obeyed*; for remedy whereof, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and ſeventy-two, where any perſon ſhall be intitled to be admitted a citizen, burgeſs, or freemen, of any ſuch city, town corporate, borough, cinque port, or place, and ſhall apply to the mayor, or other perſon, officer or officers, in ſuch city, town corporate, borough, cinque port, or place, who hath or have authority to admit citizens, burgeſſes, and freemen therein, to be admitted a citizen, burgeſs, or freeman thereof; and ſhall give notice, ſpecifying the nature of his claim, to ſuch mayor, or other officer or officers, that if he or they ſhall not ſo admit ſuch perſon a citizen, burgeſs, or freeman, within one month from the time of ſuch notice, the court of *King's Bench* will be applied to for a writ of *Mandamus*, to compel ſuch admiſſion; and if ſuch mayor, or other officer or officers, ſhall, after ſuch notice, refuſe or neglect to admit ſuch perſon, and a writ of *Mandamus* ſhall afterwards iſſue to compel ſuch mayor, or other officer or officers, to make ſuch admiſſion, and, in obedience to ſuch writ, ſuch perſons ſhall be admitted by the ſaid mayor, or other officer or officers, a citizen, burgeſs, or freeman of ſuch city, town corporate, borough, cinque port, or place, then ſuch perſon ſhall unleſs

After Auguſt 1, 1772, any perſon intitled to be admitted a citizen, &c. of any city, and applying to the mayor, &c. for that purpoſe, giving him notice, ſpecifying the nature of his claim, &c.; if ſuch mayor, &c. ſhall refuſe to admit ſuch perſon, and a *Mandamus* ſhall iſſue, for compelling his admiſſion,

(unleſs the court ſhall ſee juſt cauſe to the contrary) obtain and receive from the ſaid mayor, or other officer or officers, ſo neglecting or refuſing as aforeſaid, all the coſts to which he ſhall have been put in applying for obtaining and ſerving ſuch writ of *Mandamus*, and enforcing the ſame, by a rule to be made by the court out of which ſuch writ ſhall iſſue, for the payment thereof, together with the coſts of applying for, obtaining, ſerving, and enforcing the ſaid rule; and if the rule ſo to be made ſhall not be obeyed, then the ſame ſhall be enforced in ſuch manner as other rules made by the ſaid court are or may be enforced by law.

the mayor to pay all coſts.

II. And, in order that it may be known what perſons are, from time to time, admitted freemen or burgeſſes of any city, corporation, borough, or cinque port, be it further enacted by the authority aforeſaid, That the mayor, bailiff, town clerk, or other officer of any city, corporation, borough, or cinque port, having the cuſtody of, or power over, the records of the ſame, ſhall, upon the demand of any two freemen or burgeſſes, permit ſuch freemen or burgeſſes, and their agent or agents, at any time whatſoever, between the hours of nine in the morning and three in the afternoon, to inſpect the entries of admiſſion of freemen, burgeſſes, or other inferior corporaters, and to take copy or extracts therefrom, paying for every ſuch inſpection two ſhillings and ſixpence; and for every ſuch copy or extract, not exceeding ſeventy-two words, the ſum of four-pence; and ſo in proportion for all ſuch copies or extracts: and if any mayor, bailiff, town clerk, or other officer, ſhall refuſe or deny the inſpection of any ſuch entries, or to give copies or extracts thereof, as before directed; he or they ſhall, for every ſuch denial or refuſal, forfeit and pay the ſum of one hundred pounds to any perſon who ſhall ſue for the ſame; to be recovered, with full coſts of ſuit, by action of debt, in any of his Majeſty's courts of records at *Weſtminſter*; in which action, it ſhall be ſufficient for the plaintiff to alledge in his declaration, that the defendant or the defendants is or are indebted to the ſaid plaintiff in the ſum of one hundred pounds for money had and received to his uſe; provided that ſuch action ſhall be commenced within the ſpace of one year after the cauſe of it ſhall have ariſen, and not afterwards.

Freemen to be admitted to inſpect the entries of admiſſion, &c. and to take copies thereof.

Mayor, bailiff, &c. denying inſpection of ſuch entries, or to give copies thereof, ſhall, for every refuſal forfeit 100 l. to be recovered by action of debt, to be commenced within one year after the cauſe ſhall have ariſen.

CAP. XXII.

An act for deepening, cleaning, ſcouring, preſerving, and maintaining, the harbour of Ayr; for enlarging and improving the quays and piers; for erecting docks, breaſts, jettees, and piers; and for regulating ſhips, lighters, and other veſſels, trading into and going out of the ſaid harbour; and for other purpoſes therein mentioned.

Preamble. Provoſt, bailies, &c. impowered to deepen, clean, &c. the harbour of Ayr; who are annually to be appointed truſtees. What harbour duties are to be paid. Exemptions from duties. Ships and veſſels to be meaſured; and if the owner refuſe, to forfeit 5 l. Truſtees to appoint collectors, receivers, and other officers, and to ſettle their fees, &c. Collectors, &c. to keep books. General accounts of receipts and payments to be ſtated. Evading the payment of the duties, how to be prevented. Harbour duties to be levied in caſe of refuſal to pay them. Maſters, &c. of ſhips evading the payment of duties, to forfeit 5 l. Truſtees may borrow

row money. Rates and duties, after paying expences of the act, to be applied in improving the harbour. Obstructions in the harbour to be removed. Ships unserviceable not to lie in the docks, piers, &c. Goods, &c. remaining on the wharfs above a certain time, officers to remove them at the expence of the owners. Trustees may hire warehouses. Gunpowder, and other combustible matter, not to remain on quays or piers above a certain time, unless proper persons be appointed to guard them, or forfeit 10l. Ships, &c. may be removed from one birth to another. Masters, &c. refusing to remove ships, &c. after proper notice, to forfeit 20l. Vessels coming into the harbour in distress, to have the preference as to the birth and discharge, or the master so refusing to forfeit 20l. Masters of vessels to lower the sails before they enter the docks, or forfeit 5l. Ballast, &c. not to be thrown into the harbour, or forfeit 40s. Ballast thrown on the quays to be removed immediately, or forfeit 40s. Masters of vessels made answerable for damages done by their crews. Water bailiff and shore master to inspect state of the harbour. Fines and forfeitures above 5l. how to be recovered and applied. Other fines, &c. how to be recovered. Penalties may be mitigated. Trustees impowered to open stone quarries, and dig for sand, &c. in waste grounds; and, for want of sufficient materials in commons, private grounds may be used. Making satisfaction to owners. Roads may be made to the harbour through common or private grounds, &c. Persons wilfully destroying any of the works to be adjudged guilty of felony, and may be transported. Trustees, at a general meeting, may make bye-laws, &c. Persons lending money for the purposes of the act, intitled to a share in the management, &c. and may chuse trustees. Time and place of the general meetings. Duties may be lessened. Commencement and continuance of the act. It may be pleaded in actions brought. Sheriff, &c. to assist in the execution of the act. Publick act.

CAP. XXIII.

An act for the relief of insolvent debtors; and for indemnifying the marshal of the King's Bench *prison from prosecutions at law, for certain escapes from the said prison.*

Preamble.

WHEREAS *many persons, by losses, and other misfortunes, are rendered incapable of paying their whole debts; and though they are willing to make the utmost satisfaction they can, and many of them are able to serve his Majesty by sea or land, yet are detained in prison by their creditors, or have been forced to go into foreign parts out of this realm: and whereas such unhappy debtors have always been deemed the proper objects of publick compassion; and, by several acts of parliament, have been discharged on the conditions in such acts mentioned:* for the relief therefore of insolvent prisoners and fugitives, who shall comply with the terms contained in this act, to be respectively observed by them, and faithfully discover, upon oath, and deliver up and assign, all their effects and estates whatsoever for the benefit of their creditors; and to prevent, as far as possible, the many frauds and abuses which, in a great measure, have obstructed the good ends of such acts; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, all and every gaoler, or keeper of any prison, in any county, riding, division, city, town, place, or liberty, within this kingdom, shall, is, and are hereby required to make a true, exact, and

Alphabetical lists to be made out of prisoners in custody for debt on Jan. 1, 1772, or since that date;

and perfect liſt, alphabetically, of the name or names of all and every perſon or perſons who, upon the firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, was or were, or at any time ſince have been, and at the time of making out every ſuch liſt ſhall be, really an actual priſoner or priſoners, in the cuſtody of any gaoler or gaolers, or keeper of any priſon reſpectively, upon any proceſs whatſoever, for or by reaſon of any debt, damage, coſts, ſum or ſums of money, contempt, or otherwiſe, and an account of the time when ſuch priſoner or priſoners was or were reſpectively charged in cuſtody, or received in priſon, together with the name or names of the perſon or perſons at whoſe ſuit or proſecution ſuch priſoner or priſoners is or are detained; and ſhall deliver the ſame to the juſtices of the peace, at their firſt or ſecond general or general quarter ſeſſions of the peace, to be held after the paſſing of this act, or at ſome adjournment thereof, for ſuch county, riding, diviſion, city, town, place, or liberty reſpectively.

First day of Jan. 1772, with the time when charged, and at whoſe ſuit: The ſame to be delivered in to the quarter ſeſſions.

II. And be it further enacted, That the warden of his Majeſty's priſon of the *Fleet*, and marſhal of the *King's Bench* priſon, ſhall ſeverally, on the delivering in of any ſuch liſt of priſoners in their reſpective cuſtody, take an oath in the open court of ſuch general or general quarter-ſeſſion of the peace, or at ſome adjournment thereof, to the effect following; (that is to ſay)

The warden of the Fleet, and marſhal of the King's Bench priſon, to take the following oath on delivering in their liſts.

I A B, *upon my corporal oath, in the preſence of Almighty God, do ſolemnly ſwear, profeſs, and declare, That all and every perſon and perſons, whoſe name or names is or are inſerted and contained in the firſt part of the liſt by me now delivered in and ſubſcribed, was and were, to the beſt of my knowledge and belief, upon the firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, really and truly priſoners, in actual cuſtody, in the priſon or gaol of* [inſert the name of the priſon] *at the ſuit or ſuits of the ſeveral perſon or perſons therein reſpectively mentioned; and alſo that all and every perſon and perſons, whoſe name or names is or are inſerted or contained in the ſecond part of the ſaid liſt now by me delivered in and ſubſcribed as aforeſaid, have, ſince the ſaid firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, been committed or ſurrendered to the ſaid gaol or priſon of* [inſert the name of the gaol or priſon] *at the ſuit or ſuits of the ſeveral perſon or perſons therein reſpectively mentioned; except ſuch perſon or perſons who is or are in ſuch liſt particularly mentioned and deſcribed to have died, been diſcharged, or removed to ſome other priſon, by proceſs of law, ſince the ſaid firſt day of* January, *one thouſand ſeven hundred and ſeventy-two; and alſo except ſuch perſon or perſons who is or are in ſuch liſt particularly mentioned and deſcribed to have been permitted to have gone out of the ſaid priſon, by day rules of the court of* [Common Pleas, or King's Bench, as the caſe ſhall be] *ſince the ſaid firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, to tranſact their affairs; and alſo except ſuch perſon or perſons who is or are therein alſo particularly mentioned and deſcribed to have, upon the ſaid firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, or ſince, been in the rules of the ſaid priſon* [of the Fleet, or

King's Bench, as the caſe ſhall be] *by leave of the* [warden, or marſhal of the ſaid priſon, as the caſe ſhall be] *and have, to the beſt of my knowlege and belief, really and truly, ever ſince, continued and remained in actual cuſtody in the ſaid priſon* [of the Fleet, or King's Bench, as the caſe ſhall be] *or the liberties thereof, at the ſuit or ſuits of the ſeveral perſons in the ſaid liſt reſpectively mentioned* [and if any priſoners have, ſince the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, eſcaped out of either of the ſaid priſons then inſert] *except* [inſert the name or names of the priſoner or priſoners who have eſcaped] *who, without my knowledge, privity, or conſent, hath or have eſcaped out of the ſaid priſon of and that the ſaid liſt is a true, exact, perfect, and juſt liſt, of all ſuch perſons who were really and truly priſoners in actual cuſtody in the ſaid gaol or priſon of on the ſaid firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, and who, ſince the ſaid firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, have been committed to, and really have been, and now is, or are priſoner or priſoners in actual cuſtody in the ſaid gaol or priſon of or the liberties thereof; and that none of ſuch priſoners, to my knowledge, or with my privity, have, voluntarily, or with deſign, or in expectation to take any benefit from or under any act of parliament to be made for relief of inſolvent debtors, ſurrendered themſelves, or been committed to the ſaid priſon, or got their names entered as priſoners in the books of the ſaid priſon; or ſince the ſame firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, to my knowledge, or with my privity, have reſided out of the ſaid priſon of or the rules thereof* [but if any have ſo done, add, *except* naming ſuch by name]

Other gaolers, on delivering in their liſts, to take the following oath.

And that every other gaoler and keeper of any other priſon or priſons in any county, city, town, riding, diviſion, place, or liberty, ſhall ſeverally, on the delivering in of any ſuch liſt reſpectively, take an oath in the open court of the general or general quarter-ſeſſions of the county, city, town, diviſion, liberty, or place, for which he or ſhe ſhall deliver in any ſuch liſt, and ſwear to the effect following; (that is to ſay)

I A B, *upon my corporal oath, in the preſence of Almighty God, do ſolemnly ſwear, profeſs, and declare, That all and every perſon and perſons, whoſe name or names are inſerted or contained in the firſt part of the liſt by me now delivered in and ſubſcribed, was and were, to the beſt of my knowledge and belief, upon the firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, really and truly priſoners in actual cuſtody, in the priſon or gaol of at the ſuit or ſuits of the ſeveral perſons therein reſpectively mentioned; and alſo that all and every perſon and perſons, whoſe name or names is or are inſerted or contained in the ſecond part of the ſaid liſt now by me delivered in and ſubſcribed as aforeſaid, have, ſince the ſaid firſt day of* January, *one thouſand ſeven hundred and ſeventy-two,*

two, been committed or surrendered to the said gaol or prison of (if any such prisoner or prisoners hath or have, since the said first day of *January*, one thousand seven hundred and seventy-two, been committed or surrendered to such gaol or prison) *at the suit or suits of the several person or persons therein respectively mentioned; except* [if any exception is necessary] *such persons as are therein particularly mentioned and described to have died, been discharged, or removed to some other prison by process of law, or to have escaped out of such prison, without my privity, knowledge, or consent, since the said first day of* January, *one thousand seven hundred and seventy-two; and that all and every of them, whose name and names is and are contained in the first part of the said list, (except as before excepted) to the best of my knowledge and belief, have really and truly continued in actual custody, in the said gaol or prison of ever since the said first day of* January, *one thousand seven hundred and seventy-two; and that the said list is a true, exact, perfect, and just list, of all such persons as were really and truly prisoners in actual custody, in the said gaol or prison of on the said first day of* January, *one thousand seven hundred and seventy-two, and who, since the said first day of* January, *one thousand seven hundred and seventy-two, have been really and truly committed, or surrendered to the said gaol or prison of* (except as before excepted) *to the best of my knowledge and belief; and that none of such prisoners, to my knowledge, or with my privity, have voluntarily, or with design, or in expectation to take any benefit from or under any act of parliament to be made for relief of insolvent debtors, surrendered, or been committed to the said prison of or got his, her, or their name or names entered as prisoner or prisoners in the books of the said prison, or, since the commitment, have, to my knowledge, or with my privity, resided out of the said prison of*
[if any have so done, then add *except* inserting their names]

Which said respective oaths the said justices, at the first or second general or quarter session aforesaid, or at some adjournment thereof, within their respective jurisdictions, are hereby impowered and required to administer in open court; and the words of the said oath herein before directed to be taken by the said warden and marshal respectively, shall be entered or written at the end or bottom of the list which shall be delivered in by them respectively, and shall be subscribed and sworn to by them respectively in open court; and the words of the oath to be taken by every other gaoler or keeper respectively shall be entered or written at the end or bottom of the list which shall be delivered by them respectively, and shall be subscribed and sworn to by them respectively in open court: and every such list which shall be so delivered in, subscribed, and sworn to, in pursuance of this act, shall be kept by the clerk of the peace, town clerk, or other officer, acting as clerk of the peace of every such county, riding, division, city, town, place, or liberty respectively, in

The oath to be administered by the justices in court.

and entered and subscribed at the bottom of each list.

List to be kept by the clerk of the peace.

which any ſuch liſt as aforeſaid ſhall be ſworn to, for the better ſatisfaction of the ſaid juſtices, and information of all or any priſoner or priſoners therein named; and ſo as the ſame may, from time to time, be ſeen and examined by any creditor or creditors of priſoner or priſoners, without fee or reward.

Copies of the liſts to be delivered in to be fixed up in the priſons, and on the gates thereof.

III. And be it further enacted by the authority aforeſaid, That all and every gaoler and gaolers, and keeper of any gaol or priſon, is and are hereby required, ten days at leaſt before the firſt or ſecond general or quarter ſeſſion of the peace ſhall be held after the paſſing of this act, for the county, riding, diviſion, city, town, place, or liberty, in which any gaol or priſon ſhall be, or to which the ſame belong, to fix up, in ſome conſpicuous place or places in every ſuch priſon, and at the moſt frequented and uſual gate, door, or entrance, into every ſuch priſon, three or more true copies of the liſt or liſts propoſed or intended to be delivered in by any ſuch gaoler or keeper at the ſaid general or quarter ſeſſions, or at ſome adjournment thereof.

Perſons inſerted in the liſts being priſoners, without a fraudulent intention, on Jan. 1, 1772.

IV. And be it further enacted, That all and every perſon and perſons whoſe name or names ſhall be inſerted in any ſuch liſt to be delivered in as aforeſaid, who, upon the firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, were really and truly priſoners in the actual cuſtody of any gaoler or gaolers, or keeper of any priſon reſpectively of this kingdom, and did not come into or get his, her, or their names entered in the book of any gaol or priſon as a priſoner or priſoners there, with a view or deſign to take the benefit of ſome act for relief of inſolvent debtors, and who ſhall take the oath herein-after mentioned, and ſhall perform on his or her part what is required to be done by him or her by this act, ſhall be for ever releaſed and diſcharged from his or her impriſonment, in ſuch manner as hereafter is provided.

Conforming to the regulations of this act, ſhall be diſcharged.

Priſoners in cuſtody at the time of paſſing this act, who were arreſted for debt on or before Jan. 1, 1772, and held to bail, and rendered themſelves on or before Feb. 12, 1772, on conforming to the regulations of this act, ſhall be diſcharged.

V. Provided always, and be it enacted by the authority aforeſaid, That any priſoner or priſoners who ſhall be in actual cuſtody at the time of paſſing this act, and was or were, on or before the firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, arreſted, and in actual cuſtody of an officer, for any ſum or ſums of money by virtue of any writ or proceſs iſſuing out of any court of record, and held to the bail thereon, and did, on or before the twelfth day of *February*, one thouſand ſeven hundred and ſeventy-two, render him, her, or themſelves, or was or were ſurrendered in diſcharge of his, her, or their bail, and thereupon committed to priſon, and has or have continued therein until the paſſing of this act, by virtue of ſuch commitment; every ſuch priſoner or priſoners ſhall, upon due proof of the premiſes upon oath, be diſcharged from ſuch debt or demand, in like manner as if ſuch priſoner or priſoners had been actually in priſon upon the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, and continued therein as aforeſaid; ſubject nevertheleſs to the ſame reſtrictions and proviſions, and a compliance with the like terms, conditions, and qualifications, herein before impoſed upon priſoners actually in

cuſtody

cuſtody upon the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two; and alſo ſubject to the ſame terms and proviſions relating to the eſtate and effects of every ſuch priſoner as aforeſaid.

Juſtices, upon the petition of the priſoner, and his delivering a ſchedule of his eſtate,

VI. And be it further enacted, That it ſhall be lawful for any juſtice or juſtices of any county, riding, diviſion, city, town, place, or liberty, within this kingdom, upon the petition of any ſuch priſoner or priſoners to any juſtice or juſtices of the peace within his or their reſpective juriſdictions, upon every ſuch priſoner or priſoners ſo petitioning, and, at the time of his or her ſo petitioning, leaving with the juſtice or juſtices of the peace, who ſhall be ſo petitioned, a true copy of the ſchedule, containing his or her intended diſcovery of his or her real and perſonal eſtate, to be ſworn to at the firſt or ſecond general or quarter-ſeſſion next enſuing after every ſuch petition, or ſome adjournment thereof, by warrant under his hand and ſeal, or their hands and ſeals, to require the ſheriff or ſheriffs, gaoler or gaolers, or keeper of any ſuch priſon within the juriſdiction of any ſuch juſtice or juſtices, to bring before the juſtices at the firſt or ſecond next general or general quarter-ſeſſion of the peace, or any adjournment thereof to be held, as the caſe ſhall happen to be, next after the expiration of ten days from the date of ſuch warrant, for ſuch reſpective county, riding, diviſion, city, town, place, or liberty, the body of any perſon being in the ſaid priſon as aforeſaid, with the warrant or warrants of his or her detainer, together with a copy or copies of the cauſe or cauſes which he, ſhe, or they, is or are charged with in any ſuch gaol or priſon as aforeſaid, at the time aforeſaid; which warrant of every ſuch juſtice or juſtices every ſuch ſheriff and ſheriffs, gaoler, or keeper, is and are hereby commanded to obey.

are to iſſue their warrant for bringing the priſoner to the quarter-ſeſſions, &c.

with the warrant of detainer and copy of the writ, &c.

Gaoler, &c. to obey ſuch warrant.

Schedule of the priſoner's eſtate to be tranſmitted to the clerk of the peace,

VII. And be it alſo enacted, That the copy of every ſchedule which ſhall be left with any ſuch juſtice or juſtices, ſhall, within ten days after the ſame ſhall be ſo left, be tranſmitted by the juſtice or juſtices, with whom the ſame ſhall be ſo left, to the clerk of the peace, town clerk, or other officer, acting as clerk of the peace for the county, riding, diviſion, city, town, place, or liberty, in which the ſame ſhall have been ſo left, there to remain and be inſpected, from time to time, as occaſion ſhall require, by any creditor of any ſuch priſoner who ſhall deſire to inſpect the ſame.

for inſpection of the creditors.

Juſtices refuſing or omitting for ten days to tranſmit a copy of the ſchedule to the clerk of the peace, ſhall forfeit 10*l.*

VIII. And be it alſo enacted, That every ſuch juſtice or juſtices who ſhall refuſe or omit, within the ſpace of ten days, to tranſmit the copy of the ſchedule ſo left with him as aforeſaid, to the clerk of the peace, town clerk, or other officer acting as clerk of the peace, for the county, riding, diviſion, city, town, place, or liberty, in which the ſame ſhall have been ſo left, ſhall, for every ſuch offence, forfeit and pay the ſum of ten pounds; which ſhall and may be ſued for and recovered in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, together with coſts of ſuit, in the name of any perſon who ſhall proſecute for the ſame; and one moiety of which money

money forfeited ſhall, when recovered, go to the party who proſecutes for the ſame, and the other moiety thereof to the poor of the pariſh in which the offence ſhall be committed.

Priſoners intending to petition for their diſcharge, are to give previous notice thereof thrice in the Gazette, and other news-papers:

IX. And be it further enacted, That all and every priſoner and priſoners, who ſhall intend to petition to be diſcharged under this act, as aforeſaid, ſhall firſt cauſe publick notice to be inſerted in three ſeveral *London Gazettes*, previous to ſuch general or quarter-ſeſſion, and the adjournment thereof, at which the ſaid priſoner or priſoners ſhall apply to be diſcharged from any gaol in *London*, or within the weekly bills of mortality; and if ſuch priſoner ſhall be in cuſtody in any gaol out of *London*, or the weekly bills of mortality, then alſo in ſome news-paper which ſhall be publiſhed in or near the county, riding, diviſion, city, town, liberty, or place, in the gaol whereof he or ſhe ſhall be ſo in cuſtody; containing the name, trade, and occupation, and two laſt places of abode, if ſo many, of every ſuch priſoner and priſoners, and the priſon wherein he, ſhe, or they, is or are confined, and of his, her, or their intention to take the benefit of this act, and mentioning ſuch notice in each *Gazette* or news-paper, to be the firſt, ſecond, or third notice, according to the time of publiſhing each of ſuch notices; and for the inſerting of each of which ſaid ſeveral notices in the ſaid *Gazette*, or in any other news-paper, there ſhall be paid, each time, by every ſuch priſoner, two-pence, and no more: the firſt of which ſaid notices ſhall be ſo inſerted in the ſaid *Gazette*, or in the ſaid other news-papers, as the caſe may require, thirty days at leaſt, and the laſt of the ſaid notices ten days at leaſt, before any ſuch firſt or ſecond general or quarter-ſeſſion, and adjournment thereof, ſhall be held as aforeſaid; ſo that as well all the creditors who have not charged the ſaid priſoner or priſoners in cuſtody, as thoſe creditors who have charged ſuch priſoner or priſoners in execution, or on meſne proceſs, or otherwiſe, may have ſufficient notice thereof.

Contents of the notice.

2 d. each time, and no more, to be paid for inſerting ſuch notices.

Firſt notice to be inſerted 30 days, and the laſt 10 days, before the quarter-ſeſſions, &c.

Priſoner being brought into court, due publication of the notices required being proved, &c.

X. And be it further enacted, That every ſuch priſoner as aforeſaid, who, in purſuance of any ſuch warrant as aforeſaid, ſhall be brought to any general or general quarter-ſeſſion, or any adjournment thereof, ſhall in caſe it ſhall be proved upon oath, or by producing the ſaid three *Gazettes* and news-papers before mentioned to the ſaid juſtices at any ſuch ſeſſion, or the adjournment thereof, that ſuch notices were ſo inſerted in the *London Gazette*, and other news-papers, where required, in manner-as herein before is directed, and that the perſon or perſons ſo petitioning was or were actually a priſoner or priſoners on the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, or ſince, in the gaol or priſon in which his, her, or their name or names is or are ſpecified in the liſt of priſoners there delivered in at any ſuch firſt or ſecond ſeſſion, or any adjournment thereof as aforeſaid, in purſuance of this act, ſhall, in open court at the ſaid general or quarter-ſeſſion, or any adjournment thereof, ſubſcribe and deliver in a true ſchedule or account of all his or her real eſtate, either in poſſeſſion, reverſion,

Is to deliver in a ſchedule of his eſtate, debts, and creditors.

ſion, remainder, or expectancy; and alſo the whole of his or her perſonal eſtate which he or ſhe, or any perſon or perſons in truſt for him or her, or for his or her uſe, benefit, or advantage, is or are ſeiſed of, intereſted in, or intitled to, with the names of his or her ſeveral debtors, and where they reſpectively live, or may be met with; and the ſeveral ſums of money from them reſpectively owing, and how the ſame reſpectively became due, and are ſecured; and if by mortgage, ſpecialty, contract, note, or other writing, then the name and names and places of abode of the ſeveral witneſſes who can prove ſuch debts or contracts (if there be any ſuch), and ſhall alſo make oath and ſwear to the effect following; (that is to ſay)

Priſoner's oath on delivering in the ſaid ſchedule.

I A B, *upon my corporal oath, in the preſence of Almighty God, do ſolemnly ſwear, proteſt, and declare, That on the firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, I was a priſoner, or elſe* [as the caſe may be] *that ſince the firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, I have ſurrendered, or have been committed to the priſon of*
in diſcharge of my bail, or for want of bail, [as the caſe ſhall be] *and that I was actually arreſted, and in cuſtody of an officer before the ſaid firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, in the action or ſuit, actions or ſuits, in which I ſurrendered, or was committed, as aforeſaid, to the ſaid gaol or priſon of and that I have, ever ſince my ſaid ſurrender or commitment, continued a priſoner within the priſon of in the actual cuſtody of the gaoler or keeper of the ſaid priſon of or within the liberties thereof, at the ſuit of , and without any fraud or colluſion whatſoever; and that the ſchedule now delivered by me, and ſubſcribed, doth contain, to the beſt of my knowledge, remembrance, and belief, a full, juſt, true, and perfect account and diſcovery of all the goods, effects, and eſtates, real and perſonal, either in poſſeſſion, reverſion, remainder, or expectancy, which I, or any perſon in truſt for me, or for my benefit or advantage, am ſeiſed or poſſeſſed of, intereſted in, or intitled to; and of all debts as are to me owing, or to any perſon or perſons in truſt for me; and of all the ſecurities and contracts whereby any money now is, or will or may hereafter become payable, or any benefit or advantage may accrue to me, or to my uſe, or to any perſon or perſons in truſt for me; and the names and places of abode of the ſeveral perſons from whom ſuch debts are due and owing; and of the witneſſes that can prove ſuch debts or contracts,* [if any ſuch there be]; *and that neither I, nor any other perſon or perſons in truſt for me, or for my uſe, have any lands, money, ſtock, or any eſtate real or perſonal, in poſſeſſion, reverſion, or remainder or expectancy, other than what are in the ſaid ſchedule contained; except wearing apparel, and bedding for myſelf and family, working tools, and neceſſary implements for my occupation and calling, and theſe in the whole not exceeding the value of twenty pounds; and that I have not, nor any body for me hath, directly or indirectly, ſold, leſſened, or otherwiſe conveyed, diſpoſed of in truſt,*

or concealed, all or any part of my lands, money, goods, chattels, ſtock, debts, ſecurities, contracts, or eſtate real or perſonal, whereby to ſecure the ſame, or to receive or expect any profit or advantage thereof, or with intent to defraud or deceive any creditor or creditors, to whom I am or was indebted in anywiſe howſoever.

So help me GOD.

ſchedule and oath to be ſubſcribed in the court; and lodged with the clerk of the peace, for the examination of the creditors.

and the ſaid ſchedule and oath ſhall be by every ſuch priſoner ſubſcribed in the preſence of the juſtices in open ſeſſion of the peace as hereby is directed, and ſhall be kept by, and remain with, the clerk of the peace, town clerk, or other officer acting as clerk of the peace, for the county, city, liberty, diviſion, town, or place, where the ſame ſhall be ſubſcribed and taken, for the better information of all the creditors of ſuch priſoner who ſhall deſire, or may have occaſion, to reſort thereto; and every ſuch creditor ſhall be at liberty, at ſeaſonable times in the day-time, to peruſe and examine the ſame.

Court, if required by the creditor, may adminiſter an oath to the gaoler, or any other perſon, touching any of the matters preſcribed to be ſworn to.

XI. And be it further enacted, That the juſtices within their reſpective juriſdictions at any ſuch general or general quarter ſeſſion, or adjournment thereof, at the requeſt of any creditor or creditors of any ſuch priſoner, are hereby authoriſed to cauſe the deputy warden and marſhal of the *Fleet*, and *King's Bench* priſon, and any other under officer, tipſtaff, and turnkey of any gaol or priſon, and any other perſon, to come before them, and to examine them reſpectively on oath, touching any of the matters contained in any of the oaths preſcribed by this act to be taken, and the truth thereof; and if the oath which ſhall have been taken in open court by any ſuch priſoner or priſoners ſhall not be diſproved by good teſtimony of any credible perſon or perſons on oath, and ſuch juſtices, or the major part of them, preſent at any ſuch general or quarter ſeſſion, ſhall be ſatisfied with the truth of the oath taken by any ſuch reſpective priſoner, then ſuch juſtices ſhall, in ſuch ſeſſion, or ſome adjournment thereof, command the ſaid ſheriff or ſheriffs, gaoler or gaolers, or keeper of ſuch priſon or priſons, forthwith to ſet at liberty ſuch priſoner or priſoners, without having or taking any fee or reward other than one ſhilling for his or their attendance with ſuch priſoner or priſoners at ſuch general or quarter ſeſſion, or any adjournment thereof, in order for his, her, or their diſcharge, and which every ſuch ſheriff or ſheriffs, gaoler or gaolers, keeper or keepers of ſuch priſon or priſons, is and are hereby authoriſed to receive and take for every ſuch order: and every ſuch order ſhall be a ſufficient diſcharge to the ſheriff or ſheriffs, gaoler or gaolers, or keeper of ſuch priſon or priſons, and ſhall indemnify him or them againſt any eſcape or eſcapes, or action or actions whatſoever for eſcape, which ſhall or may be brought, commenced, or proſecuted againſt him or them.

upon paying a fee of 1s. to the gaoler.

Gaoler indemnified for the eſcape.

Eſtate and effects of the priſoner upon his diſ-

XII. And be it further enacted by the authority aforeſaid, That all the eſtate, right, title, intereſt, and truſt, of ſuch priſoner, of, in, and unto, all the real eſtate, as well freehold and

copy

copy as cuſtomaryhold, and to all the perſonal eſtate, debts, and effects, of every ſuch priſoner, ſhall, immediately after the diſcharge of any ſuch priſoner, be, and the ſame is hereby veſted in the clerk of the peace, town clerk, or other officer acting as clerk of the peace, of and for the county, riding, city, town corporate, diviſion, liberty, or place, where any ſuch priſoner ſhall be reſpectively diſcharged; and every ſuch clerk of the peace, town clerk, or other officer acting as clerk of the peace, is hereby directed and required to make an aſſignment and conveyance of every ſuch priſoner's eſtate and effects, veſted in ſuch clerk of the peace, town clerk, or other officer acting as clerk of the peace, as aforeſaid, to ſuch creditor or creditors of the ſaid priſoner, as the juſtices at any general or general quarter ſeſſion of the peace, or at any adjournment thereof, which ſhall be held by them within their reſpective juriſdictions, ſhall order or direct, (which aſſignment and conveyance ſhall be good and effectual in law to all intents and purpoſes whatſoever, without being wrote on parchment or paper ſtampt) and to veſt the eſtates thereby aſſigned and conveyed, in the party or parties to whom the ſame ſhall be ſo aſſigned and conveyed, his, her, and their heirs, executors, adminiſtrators, and aſſigns, according to the eſtate and intereſt the priſoner had therein; and for the preparing, ingroſſing, and executing, of which aſſignment and conveyance, no clerk of the peace, town clerk, or other officer acting as clerk of the peace, ſhall take any greater fee than two ſhillings; and every ſuch aſſignment and conveyance ſhall be in truſt for the benefit of the creditor or creditors of every ſuch priſoner to whom the ſame ſhall be made, and the reſt of the creditors of ſuch priſoner, in reſpect or in proportion to their reſpective debts: and every perſon or perſons to whom any ſuch aſſignment and conveyance as aforeſaid ſhall be made, is and are hereby fully impowered to ſue, from time to time, as there may be occaſion, in his, her, or their own name or names, for the recovery and attaining any eſtate or effects of any ſuch priſoner, and alſo to execute any truſt or power veſted in, or created for, the uſe or benefit of any ſuch priſoner; but in truſt, for the benefit of him or themſelves, and the reſt of the creditors of every ſuch priſoner; and to give diſcharge and diſcharges to any debtor or debtors of any ſuch priſoner as ſhall be requiſite: and every ſuch aſſignee and aſſignees ſhall, with all convenient ſpeed after his or their accepting any ſuch aſſignment or conveyance, uſe his and their beſt endeavours to receive and get in the eſtate and effects of every ſuch priſoner; and ſhall, with all convenient ſpeed, make ſale of all the eſtates of ſuch priſoner veſted in ſuch aſſignee or aſſignees; and if any ſuch priſoner ſhall be intereſted in, or intitled to, any real eſtate, either in poſſeſſion, reverſion, or expectancy, the ſame, within the ſpace of two months after every ſuch aſſignment and conveyance, ſhall be ſold by publick auction in ſuch manner, and at ſuch place, as the major part of the creditors of any ſuch priſoner who ſhall aſſemble together on any notice in writing publiſhed in the *London*

charge, to veſt in the clerk of the peace,

who is to make over the ſame to the aſſignees named by the court,

for which he is to be paid 2s. and no more.

Aſſignees impowered to ſue,

and execute any truſt or power in the priſoner's behalf;

and give diſcharges.

They are to get in, with all ſpeed, the eſtate and effects of the priſoner,

and make ſale, within two months of priſoners real eſtate,

in manner agreed upon at a meeting

of the creditors ſummoned for that purpoſe;

don *Gazette*, or in ſome daily paper, if the priſoner before his going to gaol reſided in *London*, or in the weekly bills of mortality, and if elſewhere, then in ſome news paper which ſhall be publiſhed in or near the county, riding, diviſion, city, town, liberty, or place, in which ſuch priſoner dwelt before he or ſhe was committed to gaol, thirty days before any ſuch ſale ſhall be made, ſhall, under his hand, or their hands, agree on: and every ſuch aſſignee and aſſignees, at the end of three months at fartheſt from the time of his accepting any ſuch aſſignment or conveyance as aforeſaid, ſhall make a juſt and fair dividend of all ſuch priſoner's eſtates and effects which ſhall have been then got in amongſt his or her creditors, in proportion and in regard to each creditor's reſpective debts; but before any ſuch dividend ſhall be made, ſuch aſſignee or aſſignees ſhall make up an account of ſuch priſoner's eſtate; and make oath in writing before one or more juſtice or juſtices of the peace of the county, riding, diviſion, town, liberty, or place, in which any ſuch priſoner ſhall have been diſcharged, that every ſuch account contains a juſt and fair account of the eſtate and effects of every ſuch priſoner got in by or for ſuch aſſignee or aſſignees, and of all payments made in reſpect thereof, and that all payments in every ſuch account charged, were truly and *bona fide* made and paid; and notice of the making of every ſuch dividend ſhall be publiſhed in like manner as a meeting of creditors is herein before directed to be publiſhed, thirty days at leaſt before the ſame ſhall be made; and no creditor ſhall be allowed to receive any ſhare of ſuch dividend, until he ſhall have made out the juſtneſs and identity of his reſpective debt by oath, or due proof in writing, before ſome ſuch juſtice or juſtices: and if any creditor of ſuch priſoner ſhall be diſſatisfied with the reality or fairneſs of any debt claimed by any other creditor, then the ſame, at the requeſt of any ſuch creditor or creditors ſo diſſatisfied, ſhall be examined into by the juſtices of the county, riding, diviſion, city, liberty, or place, in which ſuch priſoner ſhall have been diſcharged, at their next general or general quarter ſeſſion, and what they ſhall there determine in the premiſes, ſhall be concluſive to all parties: and if, after payment of all ſuch priſoner's creditors, there ſhall any of his eſtate and effects remain after payment of all reaſonable charges, the ſame ſhall be paid to ſuch priſoner, his executors or adminiſtrators.

and make a dividend within three months;

firſt making up their accounts and verifying the ſame upon oath.

30 days notice to be given of making any dividends; and none to receive any ſhare thereof but ſuch as ſhall prove their debts. Debts entered to be examed into and determined by the court. Surplus of the priſoner's eſtate, after ſatisfying all claims thereon, to go to the priſoner.

XIII. Provided further, and be it alſo enacted, That no ſuit in equity ſhall be commenced by any aſſignee or aſſignees of any ſuch priſoner's eſtate and effects, without the conſent of the major part in value of the creditors of ſuch priſoner, who ſhall meet together purſuant to a notice to be given in the *London Gazette* for that purpoſe.

No ſuit in equity to be commenced, but by conſent of the majority in value of the creditors.

XIV. And be it further enacted by the authority aforeſaid, That the clerk of the peace, town clerk, or other officer acting as clerk of the peace of every reſpective county, city, and county town, and county riding, diviſion, cinque port, liberty, and place, with whom any ſchedule of the eſtates of any inſolvent debtor,

Clerk of the peace to exhibit to the creditor, or his attorney, upon payment

debtor or debtors, fugitive or fugitives, ſhall be left, and his ſucceſſors, clerk of the peace, town clerk, or other officer, acting as clerk of the peace as aforeſaid, ſhall, on the reaſonable requeſt of any creditor or creditors of ſuch inſolvent debtor or debtors, fugitive or fugitives, or his or their attorney, produce and ſhew to ſuch creditor or creditors, or his or their attorney, in the day-time, the ſchedule of the eſtates of any ſuch inſolvent debtor or debtors, fugitive or fugitives, which ſhall be left with any ſuch clerk of the peace, town clerk, or other officer acting as clerk of the peace, or his predeceſſor in that office; the perſon ſo requiring to ſee and peruſe any ſuch ſchedule paying or rendering to the clerk of the peace, town clerk, or other officer acting as clerk of the peace, in whoſe cuſtody any ſuch ſchedule ſhall be, or his deputy, the ſum of one ſhilling for his trouble in ſearching for, and looking out, ſuch ſchedule, and attending whilſt the ſame ſhall be peruſed by the party or parties requiring to have the ſame looked out, and to peruſe the ſame: and that a true copy of every ſuch ſchedule, ſigned by the clerk of the peace, town clerk, or other officer acting as clerk of the peace, in whoſe cuſtody the ſame ſhall be, or his deputy, purporting the ſame to be a true copy of ſuch ſchedule, without being wrote on ſtampt paper, and for which copy no more ſhall be paid than ſixpence by the ſheet, each ſheet to contain ſeventy-two words, and ſo in proportion for a leſs number of words in any ſheet, ſhall, at all times, be admitted in all courts whatſoever as legal evidence of the ſame: and if any clerk of the peace, or his deputy, town clerk, or other officer acting as clerk of the peace, ſhall, on reaſonable requeſt as aforeſaid, neglect or refuſe to produce to any ſuch creditor or creditors as aforeſaid, or his or their attorney, any ſuch ſchedule as aforeſaid, and to permit the ſame to be inſpected as aforeſaid, in the day-time, on ſuch payment or tender as aforeſaid being made to him; or ſhall aſk or take more than after the rate of ſixpence by the ſheet, each ſheet to contain ſeventy-two words, and ſo in proportion for leſs than ſeventy-two words in a ſheet; or ſhall refuſe to make and deliver a copy of any ſuch ſchedule, on being requeſted as aforeſaid ſo to make the ſame, and having the money tendered to him for payment of ſuch copy, after the rate aforeſaid; ſhall, for every ſuch offence, forfeit and pay the ſum of ten pounds; which ſhall and may be ſued for and recovered in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, together with treble coſts of ſuit, in the name of any perſon who ſhall proſecute for the ſame: and one moiety of which money forfeited ſhall, when recovered, go to the party who proſecutes for the ſame, and the other moiety thereof to the poor of the pariſh in which the offence ſhall be committed.

of 1 s. the ſchedule of the priſoner's eſtate and effects.

Atteſted copy thereof to be granted,

which ſhall be evidence in all courts.

Clerk of the peace refuſing to produce ſuch ſchedule, or to deliver a copy thereof, or taking exorbitant fees for the ſame,

forfeits 10 l. and treble coſts;

One moiety to the proſecutor, and the other to the poor of the pariſh.

XV. Provided always, and be it enacted, That before ſuch time as any aſſignee or aſſignees, as aforeſaid, ſhall enter on, or take any profit from any copyhold or cuſtomary eſtate as aforeſaid, he or they ſhall agree and compound with the lord or lords of the manor or manors of whom the ſame ſhall be holden, for the

Aſſignees of copyhold and cuſtomary eſtates to compound with the lord of the manor,

and to be admitted tenants thereupon.

the payment of ſuch fine, or income as, upon any ſurrender and admiſſion thereto, hath heretofore been moſt uſually accuſtomed to be paid; and that upon every ſuch agreement or compoſition, the ſaid lord or lords for the time being, at the next court, or ſome ſubſequent court, which ſhall be holden for the ſaid manor or manors, after ſuch agreement made, ſhall admit ſuch aſſignee or aſſignees, tenant to ſuch copyhold or cuſtomary premiſes, according to the cuſtom of the ſaid manor or manors of which the ſame ſhall be holden, for and during ſuch eſtate and intereſt as the priſoner had therein at the time of his or her being diſcharged as aforeſaid, reſerving the rents, duties, heriots, cuſtoms, and ſervices payable and to be rendered in reſpect of the ſaid copyhold or cuſtomary premiſes.

The priſoner's right and intereſt, &c. only to be affected by this act.

XVI. Provided alſo, That nothing herein contained ſhall extend to prejudice or affect any eſtate, or intereſt, or right whatſoever, of any other perſon or perſons, other than the ſaid priſoner or fugitive which may be expectant upon, or ſubject unto, the eſtate or intereſt of the ſaid priſoner or fugitive hereby veſted in the ſaid clerk of the peace, town clerk, or other officer acting as clerk of the peace; but that the eſtate, intereſt, and right whatſoever, of every other perſon and perſons, ſhall remain, continue, and be ſaved to them, in the ſame manner, as if this act had not been made.

All mortgages, ſtatutes, recognizances, and judgements, are to take place, preferable, to claims of an inferior nature.

XVII. Provided alſo, and be it enacted by the authority aforeſaid, That nothing in this act ſhall extend or be conſtrued to hinder or prevent, any mortgage or mortgages upon the eſtate of ſuch priſoner or priſoners, or any part thereof, to take place upon the lands, tenements, or hereditaments, compriſed in ſuch mortgage or mortgages reſpectively; nor to prevent any ſtatute-ſtaple, ſtatute-merchant, recognizance, or judgement, acknowledged by, or obtained againſt, any ſuch priſoner or priſoners, to take place upon the lands, tenements, or real eſtate of ſuch priſoner or priſoners; and alſo where any inquiſition ſhall have been taken upon any ſuch ſtatute or recognizance, or any writ or execution ſhall have been taken out and delivered to the ſheriff or proper officer, upon any ſuch judgement, before ſuch diſcharge ſhall be given in open ſeſſion to any ſuch perſon as aforeſaid, the perſonal eſtate of every ſuch priſoner reſpectively ſhall be ſubject thereto, in the firſt place, for ſo much as ſhall remain due upon ſuch mortgage, ſtatute, recognizance, or judgement reſpectively, in like manner as ſuch morgagees and creditors, by ſtatute, recognizance, or judgement, would have been preferred to other creditors of an inferior nature, againſt the real or perſonal eſtate of ſuch priſoner and priſoners reſpectively if this act had not been made; any thing herein before contained to the contrary thereof in any-wiſe notwithſtanding.

Power in the priſoner of leaſing lands, &c. to veſt in the aſſignees.

XVIII. *And whereas many perſons who may be intitled to, and claim the benefit of this act, are ſeiſed and poſſeſſed of lands, tenements, and hereditaments, to hold to ſuch priſoners for the term of their natural lives, with power of granting leaſes, and taking fines, reſerving ſmall rents on ſuch eſtates, for one, two, or three lives, in poſſeſſion or rever-*

reverſion, or for ſome number of years determinable upon lives; which ſaid powers ought to be executed for the benefit of the creditors of ſuch priſoners; be it therefore enacted by the authority aforeſaid, That in every ſuch caſe, all and every the powers of leaſing ſuch lands, tenements, and hereditaments, which are or ſhall be veſted in any ſuch priſoner or priſoners as aforeſaid ſhall be, and are hereby veſted in the aſſignee or aſſignees of the real and perſonal eſtate of ſuch priſoner, by virtue of this act, to be by ſuch aſſignee or aſſignees executed for the benefit of all and every the creditors of ſuch priſoners as aforeſaid.

The acting gaoler at the time of delivering the liſts, only liable to be ſworn.

XIX. *And whereas in ſome gaols or priſons in this kingdom, the office of gaoler or keeper is held in fee for life, or otherwiſe, by perſons who never act as gaolers or keepers themſelves, or know any thing of the priſoners therein, but depute or employ ſome perſon or perſons under them as gaolers or keepers of ſuch gaols or priſons*; be it therefore enacted, That in every ſuch caſe, the perſon who ſhall have been actually employed and acted as deputed gaoler or keeper of any ſuch gaol or priſon, at the time of the delivering in the liſts, hereby directed to be delivered in, of priſoners in any ſuch gaol or priſon, at any general or quarter ſeſſion of the peace, or ſome adjournment thereof, and not the principal gaoler or keeper (unleſs where ſuch principal gaoler or keeper ſhall act as a gaoler or keeper himſelf) ſhall take the oath herein-before appointed to be taken by the gaoler or keeper of every ſuch gaol or priſon.

Court, if required by a creditor, oppoſing the priſoner's diſcharge is to adminiſter the following oath to the gaoler.

XX. And be it further enacted by the authority aforeſaid, That the juſtices, at any general or quarter ſeſſion of the peace, or adjournment thereof, to which any priſoner ſhall be brought in purſuance of this act, ſhall, if required by any creditor or creditors of any ſuch priſoner or priſoners, who ſhall oppoſe his or her diſcharge, adminiſter, and give to the gaoler, or the perſon who acts as gaoler or keeper of any ſuch priſon, at the time of bringing up any ſuch priſoner, order to be diſcharged under this act, an oath to the following effect, (that is to ſay:)

The oath.

I A B *do ſwear, That* *was really and truly a priſoner in my cuſtody, in the priſon of* *to the beſt of my knowledge and belief, at or upon the firſt day of* January, *one thouſand ſeven hundred and ſeventy-two; and that the copy or copies of the cauſe or cauſes of his or her commitment or detainer, now by me brought with the body of the ſaid* *and produced to this court, is or are a true copy or copies of the cauſe or cauſes of ſuch detainer or commitment, without any fraud or deceit by me, or any other perſon whatſoever, to the beſt of my knowledge and belief.*

So help me GOD.

If ſuch perſon ſhall not have been the gaoler on Jan. 1, 1772,

And if any perſon who was gaoler or keeper, or deputed gaoler or keeper, of any ſuch gaol or priſon on the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, or ſince, ſhall not happen to be the gaoler or keeper, or deputed gaoler or

&c. then the following oath is to be administered to him.

or keeper, of any ſuch gaol or priſon, at the time of any ſuch liſt as aforeſaid is hereby required to be delivered in, then the juſtices at any ſeſſion, or at any adjournment thereof, may and are hereby required to adminiſter and give the reſpective perſon or perſons who ſhall be gaoler or keeper, or deputed gaoler or keeper, of any ſuch gaol or priſon, and deliver in any ſuch liſt as aforeſaid, at any ſuch general or quarter ſeſſion, or any adjournment thereof, an oath, touching the commitments, or books of commitment, of any ſuch priſon, to the effect following, (that is to ſay)

I A B *do ſwear, That I have examined the commitments, or books kept of or concerning the commitment, of priſoners to the priſon of in the* [county, riding, diviſion, city, town, place, or liberty of as the caſe ſhall be;] *and that I do verily believe that the ſaid commitments, or books of commitment, are really true, and not fictitious, nor calculated for this purpoſe; and by them it doth appear, that was on the firſt day of* January, *one thouſand ſeven hundred and ſeventy-two, really and truly a priſoner in the actual cuſtody of the then gaoler or keeper, or deputed gaoler or keeper, of the ſaid priſon, without fraud or deceit by me, or any other perſon or perſons, to my knowledge and belief.*

So help me GOD.

Court, if required by a creditor, may ſummon the perſon who acted as gaoler on Jan. 1, 1772, or ſince,

and examine him touching the commitment and continuance in cuſtody of the priſoner.

Gaoler diſobeying the warrant, or order of the court, &c. forfeits 100l. with treble coſts.

XXI. And, in order to diſcover any fraudulent entries or commitments of priſoners in any gaol books, be it further enacted by the authority aforeſaid, That the juſtices at any general or quarter ſeſſion of the peace, or any adjournment thereof, are hereby authoriſed, at the requeſt of any creditor or creditors of any priſoner, to convene before them, at ſome certain time to be appointed by them, any perſon or perſons who was or were gaoler or keeper, or deputed gaoler or keeper, of any gaol or priſon within their reſpective juriſdictions, on the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, or at any time ſince; and to examine every ſuch gaoler or keeper, or deputed gaoler or keeper on oath, touching the commitment and continuance in cuſtody of any ſuch priſoner, as the juſtices, at any ſuch general or quarter ſeſſion, or adjournment thereof, ſhall think fit: and if any ſheriff, gaoler, or keeper, or deputed gaoler or keeper, ſhall neglect or refuſe to bring before ſuch juſtices at any ſeſſion of the peace, or adjournment thereof, any priſoner, as ſhall be directed and required by warrant of any juſtice or juſtices as aforeſaid, or to attend on being ſummoned for that purpoſe; or if any gaoler or keeper attending, ſhall refuſe to make anſwer and diſcovery in the premiſes, as ſhall be reaſonably required at ſuch general or quarter ſeſſion, or any adjournment thereof; he, ſhe, or they, ſo offending in the premiſes, ſhall, for every ſuch offence, forfeit and pay the ſum of one hundred pounds; to be recovered by

by and in the name, and for the uſe, of the party injured, by action of debt to be brought in his or her name, in any of his Majeſty's courts of record at *Weſtminſter*, together with treble coſts of ſuit.

Debtors who were beyond the ſeas on Jan 1, 1772, ſurrendering themſelves, may take the benefit of this act.

XXII. *And whereas great number of workmen, ſkilful in the ſeveral trades and manufactures of this kingdom, and alſo many able ſeamen and mariners, finding themſelves unable to ſatisfy the whole of their reſpective debts, and dreading the miſeries of a gaol, have choſe to leave their employments and native country, and have entered themſelves in foreign ſervice: and whereas their continuance abroad muſt be of great prejudice to the trade of this kingdom; in order therefore to induce and enable ſuch perſons to return*, be it enacted by the authority aforeſaid, That all and every debtor and debtors, who was or were actually beyond the ſeas in foreign parts on the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, and did not go into ſuch foreign parts with the view or intent to gain or have the benefit of an inſolvent debtors act, who ſhall return and ſurrender himſelf or themſelves within fourteen days next immediately after his or their landing in *England*, unto the gaoler or gaolers, keeper or keepers of the priſons of the *King's Bench*, *Marſhalſea*, or *Fleet*, or to the gaoler or keeper, or deduted gaoler or keeper, of the priſon or priſons of ſuch county, city, town, riding, diviſion, liberty, or place, where ſuch debtor or debtors laſt dwelt for the ſpace of ſix months, (which ſaid gaoler or gaolers, keeper or keepers, is and are hereby required and impowered to receive and detain ſuch debtor or debtors ſurrendering as aforeſaid, in order to their diſcharge as herein-after mentioned) and who, from and immediately after ſuch ſurrender, do continue in actual cuſtody of ſuch gaoler and gaolers, keeper or keepers, until the time of his diſcharge, ſhall be deemed a priſoner or priſoners within, and be, to all intents and purpoſes, intitled to the benefit of this act; and ſhall, upon due proof of the ſaid premiſes, by the oath of ſuch debtor or debtors (not diſproved by any credible witneſs) be diſcharged in the ſame manner as if he, ſhe, or they, had been actually in priſon on the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, and continued therein as aforeſaid; ſubject nevertheleſs to the ſame reſtrictions and proviſions, and a compliance with the like terms, conditions, and qualifications, herein before impoſed upon the ſaid priſoners actually in cuſtody upon the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, and alſo ſubject to the terms and proviſions relating to the eſtate and effects of ſuch priſoner as aforeſaid; excepting only ſuch particulars thereof as require the name of a priſoner to be inſerted in the gaoler's or keeper's liſt as aforeſaid, or relate to the oaths of ſuch gaoler or keeper herein before appointed to be taken, which particulars cannot poſſibly be applied to the caſe of perſons ſurrendering themſelves as aforeſaid; and alſo except the ſaid oath herein before appointed to be taken by priſoners in cuſtody upon the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two; inſtead whereof, the ſaid

upon the ſame terms as other priſoners;

excepting ſuch particulars wherein the caſes of both differ.

said person or persons so surrendering, shall take an oath in open court at some general or quarter-session of the peace, or some adjournment thereof, of the county, city, town, riding, division, place, or liberty, in the prison of which any such fugitive or debtor shall be held after the surrender of any such fugitive or debtor, to the effect following; which the said justices, authorised to put this act in execution, are hereby required and impowered to administer in such manner as the oaths herein-before mentioned are to be administered.

Fugitive's oath.

I A B, *upon my corporal oath, in the presence of Almighty God, solemnly swear, protest, and declare, That I was actually, on the first day of* January, *one thousand seven hundred and seventy-two, beyond the seas in foreign parts,* videlicet, *at*
and that I did, within fourteen days next immediately after my landing, surrender myself to the custody of the keeper of
[as the case may be] *and that I have ever since such my surrender, continued a prisoner in his custody; and that the schedule now delivered, and by me subscribed, doth contain, to the best of my knowledge, remembrance, and belief, a full, just, true, and perfect account and discovery of all the real estate, goods, effects, and other personal estate, in any-wise belonging to me; and also of all such debts as are to me owing, or to any person or persons in trust for me; and of all the securities and contracts whereby any money now is, or will, or may hereafter, become payable, or whereby or wherefrom any benefit or advantage may accrue to me, or to my use, or to any other person or persons in trust for me; and the names and places of abode of the several persons from whom such debts are due and owing; and of the witnesses that can prove such debts or contracts* [if any such there be;] *and that neither I, nor any person or persons in trust for me, is or are seised of any real estate in possession, reversion, or remainder, or expectancy, or of any personal estate of any kind whatsoever, other than what are in the said schedule contained; except my wearing apparel, and bedding for myself and family, my working tools, and necessary implements for my occupation and calling, not exceeding, in the whole, the value of twenty pounds; and that I have not, directly or indirectly, sold, lessened, or otherwise conveyed, disposed of in trust, or concealed, all or any part of my real estate, money, goods, chattels, stocks, debts, securities, contracts, or other personal estate whatsoever, whereby to secure the same, so as to receive or expect any profit or advantage therefrom to myself or family, or with any view, intent, or design, to defraud or deceive any creditor or creditors, to whom I am indebted in any-wise howsoever, or prevent their recovering or attaining their respective debts.*

So help me G O D.

Gaoler and printer of the Gazette or other newspaper, not

XXIII. And be it further enacted by the authority aforesaid, That if any gaoler or keeper of any prison, or his deputy or deputies, shall, without just cause, to be approved of by the justices at some general or quarter-session of the peace, or adjournment

journment thereof, within their reſpective juriſdictions, refuſe or delay to bring any ſuch priſoner or priſoners as aforeſaid to any ſuch general or quarter-ſeſſion, or ſome adjournment thereof, in order to his or her diſcharge, or ſhall neglect, refuſe, or deſignedly omit to inſert, in any ſuch liſt, the name or names of any ſuch priſoner or priſoners who was or were actually in cuſtody in his or their reſpective gaol or priſon on the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, or ſince; or ſhall neglect or refuſe to make out, fix up, or deliver, ſuch liſts as aforeſaid; or if any ſuch gaoler or keeper, or deputed gaoler or keeper, ſhall neglect or refuſe to take any of the ſaid oaths before mentioned, and hereby required to be taken by him; or ſhall, upon any account or pretence whatſoever, take or receive more than the ſaid ſum of one ſhilling herein before allowed for his or her attendance in order to be diſcharged of ſuch priſoner or priſoners as aforeſaid; or ſhall detain any ſuch priſoner after he or ſhe ſhall be diſcharged as aforeſaid; or if the printer of the *London Gazette*, or other newſpaper as aforeſaid, ſhall wilfully refuſe or neglect to inſert therein the name, trade, occupation, and laſt place of abode, of ſuch priſoner, on reaſonable requeſt to him made for that purpoſe, and tender of the money hereby directed to be paid; or ſhall take or receive any fee or gratuity more than two-pence as aforeſaid for doing thereof; every ſuch gaoler and keeper of ſuch priſon or priſons, his deputy or deputies, and every ſuch printer as aforeſaid, ſhall reſpectively forfeit and pay to each priſoner, in any ſuch caſe injured, the ſum of one hundred pounds; which ſhall and may be recovered, with treble coſts of ſuit, by action of debt, bill, plaint, or information, in any of the courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed.

complying with the regulations in this act, forfeit 100l. to the priſoners, with treble coſts of ſuit.

XXIV. And be it further enacted by the authority aforeſaid, That if any ſuch gaoler or gaolers, or keeper or keepers, or any deputed gaoler or keeper, of any priſon, ſhall, in taking of the afore-mentioned oaths, forſwear or perjure himſelf, and ſhall thereof be lawfully convicted, ſuch gaoler or keeper, or deputed gaoler or keeper, of ſuch priſon or priſons, (over and above ſuch penalties as may be inflicted on perſons convicted of perjury) ſhall, upon every ſuch conviction, forfeit and pay the ſum of five hundred pounds; to be recovered, with full coſts, by bill, plaint, or information, or action of debt, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, ſhall be allowed, by and in the name of ſuch perſon or perſons, his or their executors and adminiſtrators, to whom any aſſignment or conveyance, in purſuance of this act, ſhall be made, of the eſtate and effects of ſuch priſoner or priſoners; and if no ſuch aſſignee or aſſignees ſhall be living, then, in the name or names of any other creditor or creditors who ſhall ſue for the ſaid penalties; to be applied, one moiety to informer or informers, and the other moiety towards the ſatisfaction of the debts of ſuch his creditor or creditors.

Gaoler convicted of perjury, forfeits 500l. with full coſts of ſuit, &c.

One moiety to go to the informer, and the other towards ſatisfying the debts of the creditors.

Clerk of the peace refuſing the priſoner a copy of his diſcharge;

or taking exorbitant fees for the ſame; or for aſſigning over the priſoner's eſtate and effects; forfeit 20l. to the priſoner.

XXV. And be it further enacted, That if any clerk of the peace, or his deputy, or town clerk, or other officer acting as clerk of the peace, ſhall delay or refuſe to give every or any ſuch priſoner ſo diſcharged as aforeſaid, within fourteen days after his or her diſcharge, a copy of the order of his or her diſcharge, on the payment of two ſhillings and ſixpence; or ſhall take more than the ſaid ſum of two ſhillings and ſixpence for ſuch copy; or ſhall take more than two ſhillings for an aſſignment or conveyance of ſuch priſoner's eſtate or effects; every ſuch clerk of the peace, or his deputy, or town clerk, or other officer acting as clerk of the peace, who ſhall ſo offend, and who ſhall be convicted at any ſuch general or quarter-ſeſſion of the peace, or any adjournment thereof, of any ſuch offence, ſhall, for every ſuch offence, forfeit and pay to every ſuch priſoner the ſum of twenty pounds, as the juſtices of the peace, at any ſuch general or quarter-ſeſſion of the peace or adjournment thereof, ſhall order; and who are hereby impowered to cauſe the ſame to be levied by diſtreſs and ſale of the goods of any ſuch clerk of the peace, or his deputy, or town clerk or other officer acting as clerk of the peace, ſo offending.

Priſoner convicted of perjury to ſuffer as a felon.

XXVI. And be it further enacted by the authority aforeſaid, That if any priſoner as aforeſaid, or any other perſon or perſons, who ſhall take the benefit of this act, ſhall forſwear or perjure himſelf, herſelf, or themſelves, in any oath to be taken under this act, and ſhall be lawfully convicted thereof, he, ſhe, or they, ſo offending, ſhall be adjudged a felon, and ſuffer as ſuch, without benefit of clergy.

Perſons diſcharged by this act, not liable to arreſt for debts, &c. contracted before 1 Jan. 1772:

XXVII. And be it further enacted by the authority aforeſaid, That no perſon to be diſcharged by this act ſhall, at any time hereafter, be impriſoned by reaſon of any judgement or decree obtained for payment of money only, or for any debt, damages, contempts, coſts, ſum or ſums of money, contracted, incurred, occaſioned, owing, or growing due, before the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two; but that upon every arreſt upon every judgement or ſuch decree, or for ſuch debts, damages, contempts, coſts, ſum and ſums of money, it ſhall and may be lawful for any judge of the court where the proceſs iſſued, upon ſhewing the copy of the order of ſuch priſoner's diſcharge or diſcharges, to releaſe and diſcharge out of cuſtody ſuch priſoner or priſoners as aforeſaid; and every ſuch judge is hereby impowered ſo to do on ſuch priſoner's cauſing a common appearance to be entered for him in every ſuch action and ſuit.

But no priſoner to be diſcharged of debts ſubſequent to Jan. 1, 1772.

XXVIII. *And whereas, under former acts of this kind, doubts have ariſen whatſoever was to be done with ſuch priſoners who applied at any ſeſſion to be diſcharged, who owed and ſtood charged with debts, as well previous as ſubſequent to the day limited by the reſpective acts; to remedy which,* be it therefore enacted by the authority aforeſaid, That no priſoner or priſoners ſhall be diſcharged of any debts ſubſequent to the firſt day of *January*, one thouſand ſeven hundred and ſeventy-two; and if it ſhall appear to the juſtices

juſtices in any ſeſſion or adjournment, that any priſoner or priſoners then applying to them to be diſcharged, ſhall ſtand charged as well with debts previous to as ſubſequent to the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, that in ſuch caſes it ſhall and may be lawful to and for the juſtices to diſcharge him or her of all debts previous to the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, and to remand him or her back to the cuſtody of the keeper of the priſon from whence he or ſhe was brought, for all debts with which he or ſhe ſtands charged with in his cuſtody, ſubſequent to the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two.

Juſtices, ſheriffs, and gaolers, may plead this act to any action of eſcape, or ſuit brought againſt them, and recover treble coſts.

XXIX. And be it further enacted by the authority aforeſaid, That if any action of eſcape, or any ſuit or action, be brought againſt any juſtice or juſtices of the peace, ſheriff, gaoler, or keeper of any priſon, for performing their office, in purſuance of this act, they may plead the general iſſue, and give this act in evidence; and if the plaintiff be nonſuited, or diſcontinue his action, or verdict paſs againſt him, or judgement upon demurrer, the defendant ſhall have treble coſts.

Perſons diſcharged may plead generally, &c. to all actions or judgements brought againſt them before Jan. 1, 1772, &c.

XXX. And be it further enacted by the authority aforeſaid, That if any *Scire Facias*, or action of debt, or upon judgement, ſhall be brought againſt any priſoner, his or her heirs, executors, or adminiſtrators, upon any judgement obtained againſt any ſuch priſoner, or on any ſtatute or recognizance acknowledged by him or her, before the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, with reſpect to priſoners in actual cuſtody, or with reſpect to debtors beyond the ſeas, as aforeſaid, upon the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, it ſhall be lawful for any ſuch priſoner his or her heirs, executors, or adminiſtrators, to plead generally that ſuch priſoner was actually a priſoner in ſuch priſon at ſuch a perſon's ſuit, or was or were beyond the ſeas in foreign parts on the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, and was or were duly diſcharged according to this act, at the general or quarter-ſeſſion, or adjournment thereof, held at ſuch time and place for ſuch county, riding, diviſion, liberty, city, town, or place, (as his, her, or their caſe is) without pleading any matter ſpecially; and in caſe any other ſuit or action ſhall be commenced againſt him, her, or them, for any other debt, ſum or ſums of money, due before the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, to plead in diſcharge of his or her perſon from execution (over and above ſuch matters as aforeſaid) that ſuch debt or ſum of money (as the caſe ſhall happen) was contracted or due on or before the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, without pleading any other matter ſpecially; whereto the plaintiffs ſhall or may reply generally, and deny the matters pleaded as aforeſaid, or reply any other matter or thing which may ſhew the ſaid defendant not to be intitled to the benefit of this act, or not duly diſcharged according to it, in the ſame manner as the

and in other ſuits, may plead in diſcharge of their perſons from execution.

Plaintiff may reply generally, &c.

plaintiff might have replied, in caſe the defendant had pleaded this act, and his diſcharge by virtue of this act, ſpecially; and if the plaintiff be nonſuited, diſcontinue his action, or verdict paſs againſt him, or judgement on demurrer, the defendant to have treble coſts.

but if nonſuited, is to pay treble coſts.

Bankrupts not obtaining their certificates in due time, excluded from the benefit of this act.

XXXI. Provided always, and be it enacted by the authority aforeſaid, That no perſon againſt whom a commiſſion of bankrupt hath been awarded and iſſued out, and the production whereof ſhall be deemed ſufficient evidence to any court of quarter-ſeſſion, or adjournment, and who hath not already obtained his certificate and diſcharge of his debts, in purſuance of and in ſuch manner as is directed by ſome or one of the acts of parliament now in force relating to or concerning bankrupts, or ſhall not obtain ſuch certificate and diſcharge before ſuch time as he ſhall be brought before the juſtices of the peace at their general or quarter-ſeſſion, or ſome adjournment thereof, held as aforeſaid, in order to be diſcharged in purſuance of this act, ſhall have or receive any benefit or advantage of or under this act, nor be deemed to be within the meaning thereof.

Attornies embezzling, &c. clients money or effects, excluded the benefit of this act.

XXXII. Provided alſo, That nothing in this act contained ſhall extend, or be conſtrued to extend, to releaſe or diſcharge any attorney at law, or ſolicitor, or any other perſon or perſons acting, or pretending to act, as ſuch, with regard to any debt with which he or they ſhall ſtand charged, for any money, or other effects, recovered and received by him or them, for the uſe of any perſon or perſons, bodies corporate or politick, and by any attorney, ſolicitor, or other perſon or perſons acting as ſuch, embezzled, concealed, or converted, to his or their own uſe; or to releaſe or diſcharge any ſervant or agent, or any perſon or perſons employed or intruſted as ſuch, with regard to any debt or demand with which he, ſhe, or they, ſhall ſtand charged, for and on account of any money, goods, or other effects, received or poſſeſſed by him, her, or them, for the uſe, and on account of his, her, or their maſter or maſters, or employers, and by ſuch ſervant or agent embezzled, concealed, or converted to his, her, or their own uſe; any thing herein contained to the contrary thereof in any-wiſe notwithſtanding.

Gaoler to permit the ſpeaking in private to priſoners, whoſe names are inſerted in the liſt, or Gazette, &c.

and the examining the original books of entries, &c.

on penalty of 40l. with coſts of ſuit.

XXXIII. And be it further enacted by the authority aforeſaid, That every gaoler or keeper of any priſon ſhall, and is hereby required to ſuffer, in the day-time, any perſon or perſons deſiring the ſame, to ſee and ſpeak, in the lodge, or ſome convenient room of the ſaid priſon, with any priſoner or priſoners, whoſe names are inſerted in the afore-mentioned liſt or liſts, or *London Gazette*, or other news-paper, or any of them, or any perſons ſurrendering themſelves purſuant to this act; and alſo ſee, in the true and genuine books of the ſaid priſon, the entries made of the name or names of ſuch priſoner or priſoners, together with the name or names of the perſon or perſons at whoſe ſuit or ſuits he, ſhe, or they are detained: and if any ſuch goaler or keeper ſhall neglect or refuſe to comply with what is here above required, every ſuch gaoler or keeper, who ſhall ſo

offend

offend in the premiſſes, ſhall forfeit and pay to the perſon ſo refuſed and aggrieved the ſum of forty pounds; to be recovered, with coſts of ſuit, by action of debt, bill, plaint, or information, in any of the courts at *Weſtminſter*, wherein no eſſoin, protection, wager of law, or more than one imparlance, ſhall be allowed, by and in the name or names of the perſon or perſons ſo refuſed and aggrieved.

Priſoners future eſtate and effects, notwithſtanding his perſonal diſcharge, liable to creditors; wearing apparel, bedding, and working tools, &c. not exceeding 20l. value, excepted.

XXXIV. Provided always, and be it enacted, That notwithſtanding the perſon of any priſoner or priſoners, fugitive or fugitives, ſhall be diſcharged under this act, the future eſtates and effects of every ſuch priſoner and fugitive ſhall remain and be liable to his, her, and their reſpective creditors as before the making of this act, (his, her, or their neceſſary wearing apparel, and bedding for his, her, or their families, and working tools and implements neceſſary for his, her, or their trade or occupation, not exceeding the value of twenty pounds in the whole, only excepted,) and any creditor or creditors of any ſuch priſoner or priſoners, fugitive, or fugitives, may, at any time hereafter, ſue out execution, extents, or other proceſs, on any judgement at the time of ſuch diſcharge recovered, or ſtatute ſtaple, or recognizance acknowledged by, or ſentence or decree obtained againſt, any ſuch priſoner or fugitive, but not againſt his, her, or their perſon, or his, her, or their reſpective wearing apparel, bedding, working tools, and implements, as aforeſaid.

Creditor may ſue for the recovery of debt due at the time of the priſoner's diſcharge,

but not hold the priſoner to ſpecial bail, nor take his perſon, wearing apparel, bedding, or tools, in judgement: and no advantage is to be taken of the cauſe of action not accruing within 3 years, nor of the ſtatute of limitation. Exception.

XXXV. And be it alſo enacted, That any creditor or creditors of any priſoner or priſoners, fugitive or fugitives, who ſhall be diſcharged under this act, may, at any time after any ſuch diſcharge, commence and proſecute any action or ſuit againſt any ſuch priſoner or fugitive, his, her, or their reſpective heirs, executors, or adminiſtrators, for the recovery of any ſum or ſums of money which ſhall be due from any ſuch priſoner or priſoners, fugitive or fugitives, at the time of his or her ſaid diſcharge, but ſhall not hold the perſon of any ſuch priſoner or fugitive to ſpecial bail; nor ſhall take the perſon, neceſſary wearing apparel, bedding, tools, or implements, as aforeſaid, of any ſuch priſoner or fugitive in execution, or any judgement, ſentence, or decree, which ſhall hereafter be recovered or obtained againſt any ſuch priſoner or fugitive: And in any action or ſuit, which ſhall be hereafter commenced againſt any ſuch priſoner or fugitive, his or her heirs, executors, or adminiſtrators, no benefit or advantage ſhall be had or taken, for that the cauſe of action did not accrue within three years next before the commencing of any ſuch action or ſuit; nor ſhall any ſtatute of limitation be pleadable, or be allowed to be pleaded in bar of or in any ſuch action or ſuit, which ſhall be hereafter commenced by any ſuch creditor or creditors againſt any ſuch priſoner or priſoners, unleſs ſuch cauſe, of action or ſuit did not accrue within three years next before any ſuch priſoner or fugitive ſhall be diſcharged under this act; and in any ſuch caſe, the ſame may be pleaded by any ſuch priſoner, his or her heirs, executors, or adminiſtrators.

Diſcharge of priſoner no acquittal to the copartner or ſureties.

XXXVI. Provided always, and be it likewiſe enacted, That by the diſcharge of any priſoner or fugitive by force of this act, no other perſon or perſons who was or were partner or partners in trade with any ſuch priſoner or fugitive, at the time of his or her diſcharge under this act, or then ſtood bound, engaged with, or liable to, the payment of any debt with any ſuch priſoner or fugitive, or engaged in any contract together with any ſuch priſoner or fugitive, ſhall be diſcharged from any ſuch debt or demand; but every ſuch other perſon and perſons ſhall ſeverally ſtand and be chargeable with, and liable to pay, ſuch debt and debts, and to perform ſuch contracts, in like manner as if any ſuch priſoner or fugitive had never been diſcharged from the ſame.

Gaoler making falſe entries in the priſon book or liſts, forfeits 500l. with treble coſts, over and above all other penalties for ſuch fraud.

XXXVII. And be it further enacted, That if any gaoler or keeper, or reputed gaoler or keeper, of any priſon or priſons, ſhall make, or cauſe to be made, any falſe entries in any book or books belonging to any priſon or goal under his care, or of which he is or was gaoler, or ſhall prepare or keep, or cauſe to be prepared or kept, any falſe book or books, in order for any falſe or untrue entry or entries to be made therein; or ſhall inſert in any liſt to be delivered in as aforeſaid, the name or names of any perſon or perſons who was not a priſoner or priſoners in actual cuſtody in any ſuch gaol or priſon upon the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, or ſhall not have ever ſince remained in ſuch actual cuſtody; except as in the oath of any ſuch gaoler or keeper, or deputed gaoler or keeper, ſhall be excepted; every ſuch gaoler or keeper, or deputed gaoler or keeper, ſhall, over and above the penalties which he ſhall be liable to for every ſuch fraud, forfeit and pay the ſum of five hundred pounds; to be recovered, with treble coſts of ſuit, by and in the name, and for the uſe, of any perſon or perſons who ſhall be prejudiced by any entry, or ſuch falſe entries; which penalties ſhall and may be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed.

Priſoner refuſing to declare the abode, &c. of the perſon at whoſe ſuit he is detained, or to come to the creditor in the lodge; is excluded the benefit of this act.

XXXVIII. And be it further enacted, That if any priſoner, being thereunto required by any creditor, ſhall refuſe to diſcover and declare the trade or occupation and habitation or laſt place of abode, of the perſon or perſons at whoſe ſuit he or ſhe is detained or charged in cuſtody; or being called for and deſired, by any creditor or creditors, to come to the lodge of the priſon in which any ſuch priſoner ſhall be confined, without ſome reaſonable cauſe being made appear to the contrary; every ſuch priſoner, upon proof being made thereof before the juſtices at any general or quarter-ſeſſion of the peace, or any adjournment thereof, to be held as aforeſaid, ſhall not have or receive any benefit or diſcharge by or under this act; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

XXXIX. *And whereas there is but one common or county gaol for each of the reſpective counties of* York, Lincoln, Lancaſter, *and* Durham,

Durham, *which ſaid counties are each of them divided into ſeveral ridings or diviſions, all which have ſeveral commiſſions of the peace; and if the gaolers of thoſe gaols be obliged to carry the debtors, priſoners therein, to the quarter-ſeſſion of each riding or diviſion, the ſame will be a very great charge, not only to ſuch gaolers, but alſo to the priſoners in thoſe large counties*; be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful for two or more juſtices of the peace for each of the ridings and diviſions in the reſpective counties, at the common or county gaol thereof reſpectively, or at ſome convenient place near thereto, and they are hereby required to aſſemble and meet, and to hold ſeſſion there, by adjournment from their reſpective quarter-ſeſſion, from time to time, for the diſcharge of the reſpective priſoners therein, according to the powers, limitations, and directions of this act.

Juſtices may aſſemble at any convenient place near to either of the county gaols, and hold ſeſſion there for diſcharge of priſoners.

XL. *And whereas the next general quarter-ſeſſion of the peace for the county of* Surrey, *which will happen after the paſſing of this act, will be in the county, and upwards of twenty miles from any of the ſaid priſons*; be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for ſuch juſtices as ſhall be aſſembled at the general quarter-ſeſſion of the peace to be holden for the county of *Surrey*, next after the paſſing of this act, and they are hereby required forthwith to adjourn the ſaid ſeſſion to the town-hall in the borough of *Southwark*, for the purpoſe of adminiſtering the oaths required to be taken and ſubſcribed by this act by the ſeveral gaolers within the ſaid county wherein any priſoner or priſoners are confined, and to the diſcharging ſuch reſpective priſoner or priſoners confined therein, according to the powers limited, and directions of this act.

Juſtices for the county of Surrey may aſſemble at the town hall of Southwark for adminiſtering oaths, &c.

XLI. And be it further enacted by the authority aforeſaid, That all debtors, and others, who were in priſon on or before the ſaid firſt day of *January*, one thouſand ſeven hundred and ſeventy-two, or ſince, in any of the gaols of this kingdom, and now remain there for not paying their fees, rents, or any other demands due, or claimed as due, to the keeper or gaoler of any priſon reſpectively, or to any other officer of any ſuch priſon, and upon no other account, ſhall be diſcharged therefrom, he, ſhe, or they, taking the oath by this act required to be taken by priſoners.

Thoſe who are priſoners for their fees, or other demands of the gaoler or officer, to be diſcharged.

XLII. Provided always, That this act ſhall not extend to diſcharge any perſon out of priſon, ſeeking his or her diſcharge under this act, with reſpect to any debt with which he or ſhe ſhall ſtand charged at the ſuit of the crown, or ſhall be indebted to any body politick or corporate, or to any one perſon, in any ſum exceeding the ſum of one thouſand pounds, beſides intereſt and coſts, and whoſe diſcharge ſhall be in court oppoſed by the crown, body politick or corporate, or one perſon, and whoſe debts exceeds the ſum of one thouſand pounds, and not otherwiſe, unleſs the crown, ſuch body politick or corporate, or creditor, ſhall conſent thereto: and if any ſuch body politick or corporate, creditor or creditors, to whom a ſum exceeding one thouſand pounds ſhall be owing, ſhall oppoſe the diſcharge of ſuch

Debtors to the crown, and priſoners who owe above 1000 l. to one perſon, unleſs the creditors conſent, are excluded the benefit of this act.

Creditor oppoſing priſoner's diſcharge to allow him 3 s. 6 d. *per* week.

ſuch priſoner, and ſhall inſiſt that ſuch priſoner be continued in gaol, that then, and in ſuch caſe, ſuch body politick or corporate, or creditor or creditors, oppoſing the ſaid priſoner's diſcharge as aforeſaid, ſhall, at his, her, or their proper coſts and charges, allow and pay, in the whole, ſuch a weekly maintenance to the ſaid priſoner, not exceeding three ſhillings and ſixpence *per* week, in ſuch manner as the ſaid juſtices in their general or quarter-ſeſſion, or ſome adjournment thereof, ſhall order; and, upon non-payment of the ſame for the ſpace of ſix weeks, the ſaid priſoner, upon application to the ſaid juſtices in their general or quarter-ſeſſion held as aforeſaid, ſhall be diſcharged purſuant to the intent and meaning of this act.

On nonpayment, priſoner to be diſcharged.

Determination of the juſtices to be final;

XLIII. *And whereas under former acts, creditors have been put, to great expences and trouble in attending every ſeſſion and adjournment, during the whole continuance of the act, to oppoſe the diſcharge of priſoners clearly excluded from any benefit under the ſaid reſpective acts, but who, after having been before one ſeſſion heard and refuſed a diſcharge, to harraſs their creditors, conſtantly gave freſh notices for each ſubſequent ſeſſion and adjournment, of their intended application to be diſcharged; to remedy which,* be it further enacted by the authority aforeſaid, That, in all caſes whatever, the determination of the juſtices in ſeſſion ſhall be final to all intents and purpoſes, unleſs the priſoner ſhall, during the continuance of this act, get rid of the objection or objections for which they refuſed his diſcharge: And, in which caſe, it ſhall and may be lawful to and for the juſtices, at any ſubſequent ſeſſion, upon application from the priſoner, upon due proof on oath made to them by two or more credible witneſſes (and which oath they are hereby impowered to adminiſter) of each objection or objections being removed, and on proof of notice ſerved, at leaſt ten days previous to ſuch application, on the creditor or creditors who before oppoſed his diſcharge, and of notice likewiſe inſerted in the *Gazette*, in manner before directed by this act, to order ſuch priſoner to be brought before them; and if they ſhall then be of opinion the ſaid priſoner is intitled to the benefit of this act, to order him to be diſcharged, he taking the oath, and, in all other reſpects, conforming to the directions of this act.

unleſs the priſoner get rid of the objection for which they refuſed his diſcharge; the juſtices, on proof by two witneſſes of objection being removed, &c. may diſcharge ſuch priſoner.

Diſcharges to be obtained by Auguſt 1, 1774.

XLIV. Provided alſo, That every perſon and perſons intitled, or to be intitled, to the benefit of this act, ſhall obtain their reſpective diſcharges on or before the firſt day of *Auguſt*, one thouſand ſeven hundred and ſeventy-four, or ſhall be excluded from all benefit of this act.

Perſons ſeiſed of an eſtate tail, claiming the benefit of this act, are to deliver up the ſame to the creditors.

XLV. *And whereas it may happen that ſeveral perſons who may claim and be intitled to the benefit of this act, are ſeiſed of an eſtate tail, in ſome freehold or copyhold lands, tenements, or hereditaments; which entail, with the remainders thereupon expectant, they have by law power to defeat and bar, either by levying a fine or fines, ſuffering a common recovery or common recoveries, or by ſurrender or ſurrenders thereof, whereby ſuch perſon or perſons ſaid freehold or copyhold lands, tenements, or hereditaments, would be liable to the payment of their debts, and be delivered up, according to the terms of this act,*

for the benefit of their creditors; be it therefore enacted by the authority aforesaid, That, in every such case, such person or persons so seised as aforesaid, and who shall be intitled to, and claim the benefit of this act, shall, to all intents and purposes whatsoever in law, be deemed and taken, and is and are hereby declared to be seised of such lands, tenements, and hereditaments, in fee; provided the same shall be delivered up to the creditor or creditors of every such prisoner, in the same manner as if such person or persons had actually levied a fine, suffered a common recovery or recoveries, or made a surrender or surrenders thereof, and thereby had become seised in fee; any law, or construction of law, to the contrary thereof in any-wise notwithstanding.

XLVI. *And whereas many prisoners who may be intitled to, and claim the benefit of this act, have been great dealers, or otherwise engaged in large transactions, whereby they may be intitled to sundry and great debts and demands of various and intricate natures, and they may be intitled to equities of redemption of estates, subject and liable to mortgages, judgements, or other incumbrances, or to reversions, remainders, or other contingent estates in lands, tenements, or hereditaments, or to other trusts or interests in estates, both real and personal, which may not be sufficiently described or discovered in the schedule or inventory, before directed to be delivered in, upon oath, by the prisoner to be discharged as aforesaid, or which may want his aid or assistance to adjust, make out, recover, or manage, for the benefit of the creditors*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the respective assignees of the estate and effects of such prisoner or prisoners who shall obtain his, her, or their discharge, in pursuance of this act, or any other person or persons duly authorised by them for that purpose, from time to time, to apply to any two or more of the justices of the peace for the county, riding, division, city, town, place, or liberty, where such prisoner or prisoners shall be then residing, thereby desiring that such prisoner or prisoners may be further examined as to any matters or things relating to his, her, or their estate or effects; whereupon such justices shall send for, or call before them, such prisoner or prisoners by such warrant, summons, ways, or means, as they shall think fit; and, upon such prisoner's appearing, he shall examine him, her, or them, as well upon oath as otherwise, as to such matters and things as such assignee shall desire, relating to the estate and effects of such prisoner or prisoners; and if any prisoner or prisoners (on payment or tender of payment of such reasonable charges as such justices shall judge sufficient) shall neglect or refuse to come and appear not having a lawful excuse, to be made known to such justices, and by them allowed, or, being come before them, shall refuse to be sworn, or to answer to all such questions as by such justices shall be put to him, her, or them, relating to the discovery of his, her, or their estate or effects so vested, or intended to be vested, in such clerk of the peace, town clerk, or other officer acting as clerk of the peace, or in such assignees as aforesaid, that then

Assignees may apply for further examination of prisoner, touching the discovery of his effects, &c.

and justices may send for and examine the prisoners accordingly.

Prisoners refusing to appear, or to answer upon oath, may be committed.

then it ſhall and may be lawful to and for ſuch juſtices, by warrant under their hands and ſeals, to apprehend ſuch priſoner or priſoners ſo offending as aforeſaid, and him, her, or them, to commit to the county gaol, there to remain without bail or mainprize, until ſuch time as he, ſhe, or they, ſhall ſubmit him, her, or themſelves, to ſuch juſtices, and anſwer upon oath to all ſuch lawful queſtions as ſhall by ſuch juſtices be put to him, her, or them, for the purpoſes aforeſaid.

20 l. *per cent* allowed on diſcovering within 12 months any part of the priſoner's eſtate not returned in the ſchedule.

XLVII. And be it further enacted by the authority aforeſaid, That all and every ſuch perſon and perſons who ſhall, within twelve months after the diſcharge of ſuch priſoner or priſoners, voluntarily come in and make a diſcovery of any part of ſuch debtor or debtors real or perſonal eſtate as ſhall not be compriſed in ſuch ſchedule as aforeſaid, before any juſtices aforeſaid, ſhall be allowed after the rate of twenty pounds *per centum*, out of the net produce of ſuch debtor or debtors eſtate which ſhall be recovered on ſuch diſcovery, and which ſhall be paid to ſuch perſon or perſons ſo diſcovering the ſame, by the aſſignee or aſſignees of ſuch priſoner's eſtate and effects.

Diſcharge obtained fraudulently, void.

XLVIII. Provided always, and be it enacted, That notwithſtanding the diſcharge of any priſoner or priſoners by virtue of this act, if it ſhall hereafter appear the ſame was obtained fraudulently, or that any part of the oath taken by any ſuch priſoner was not true; then, and in every ſuch caſe, every ſuch diſcharge ſhall be void and of none effect.

Perſons concealing any eſtate or effects of the priſoner, forfeit 100 l. and double value, with trebie coſts of ſuit.

XLIX. *And, for the better diſcovery of the eſtate and effects of any priſoner who ſhall be diſcharged by virtue of this act*; be it enacted by the authority aforeſaid, That any perſon or perſons who ſhall have accepted of any truſt or truſts, and ſhall wilfully conceal or protect any eſtate, real or perſonal, of any ſuch priſoner from his creditors, and ſhall not, within thirty days after any aſſignee or aſſignees ſhall, in purſuance of this act, be choſe of any ſuch priſoner's eſtate, diſcover and diſcloſe to ſuch aſſignee or aſſignees ſuch truſt and eſtate in writing, and deliver up or make over the ſame to ſuch aſſignee or aſſignees, he, ſhe, or they, ſo offending, ſhall, for every ſuch offence, forfeit the ſum of one hundred pounds, and alſo double the value of the eſtate, either real or perſonal, ſo concealed, to and for the uſe of the creditors of any ſuch priſoner; to be recovered by action of debt, in any of his Majeſty's courts of record at *Weſtminſter*, in the name or names of the aſſignee or aſſignees of ſuch priſoner's eſtate, together with treble coſts of ſuit.

Aſſignees, with conſent of the majority in value of the creditors, may compound for debts due to the priſoner's eſtate;

L. And be it further enacted by the authority aforeſaid, That it ſhall be lawful, at all times hereafter, for any aſſignee or aſſignees of the eſtate or effects of any priſoner or priſoners, who ſhall be choſe in purſuance of this act, by and with the conſent of the major part in value of ſuch priſoner or priſoners creditors, who ſhall be preſent at a meeting to be had on twenty-one days publick notice being previouſly given for the purpoſe hereafter mentioned in the *London Gazette*, if the priſoner was in cuſtody in *London* or within the weekly bills of mortality, and if not, then

then alſo in ſome news-paper which ſhall be publiſhed in the county, city, or place, in or near which any ſuch perſon ſhall have been in gaol, to make compoſition with any perſon or perſons, debtors or accountants to ſuch priſoner or priſoners, where the ſame ſhall appear neceſſary or reaſonable; and to take ſuch reaſonable part of any ſuch debt as can, upon ſuch compoſition, be gotten, in full diſcharge of ſuch debts and accounts; and alſo to ſubmit any difference or diſpute between ſuch aſſignee or aſſignees, and any perſon or perſons, for or on account, or by reaſon or means of any matter, cauſe, or thing, relating to ſuch priſoner or priſoners eſtate or effects, or to any debt or debts due, or claimed to be due, to or from ſuch priſoner or priſoners, to the final end and determination of arbitrators to be choſen by the ſaid aſſignee or aſſignees, and the major part in value of ſuch creditors, and the party or parties with whom they ſhall have no difference, and to perform the award of ſuch arbitrators, or of any umpire to be choſen by them; or otherwiſe to ſettle and agree the matters in difference and diſpute between them, in ſuch manner as the ſaid aſſignee or aſſignees, with ſuch conſent as aforeſaid, ſhall think fit, and can agree, and the ſame ſhall be binding to all the creditors of ſuch priſoner or priſoners; and every ſuch aſſignee or aſſignees is and are hereby indemnified for what they ſhall fairly do in the premiſes, in purſuance of this act.

and may ſubmit any diſpute relating thereto to arbitration.

or otherwiſe may ſettle and agree the ſame as they ſhall think fit.

LI. *And, to the intent and purpoſe that the eſtate and effects of ſuch priſoner or priſoners as ſhall be diſcharged by virtue of this act, may be duly and faithfully applied for the benefit of his, her, or their real creditors*, be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the reſpective courts at *Weſtminſter*, and the courts of great ſeſſion in *Wales*, and the principality of *Cheſter*, and the counties palatine of *Lancaſter* and *Durham*, reſpectively, from whence any proceſs iſſued upon which any ſuch priſoner or priſoners was or were committed, or where the proceſs iſſued out of any other court, to and for the judges of the court of *King's Bench*, *Common Pleas*, and *Exchequer*, or of *Great Seſſions* aforeſaid, within their reſpective juriſdictions, or any one of them, from time to time, upon the petition of any ſuch priſoner or the creditor or creditors of ſuch priſoner or priſoners, complaining of any inſufficiency, fraud, miſmanagement, or other misbehaviour of any aſſignee or aſſignees of the eſtate or effects of any ſuch priſoner or priſoners, to ſummon all parties concerned, and, upon hearing the parties concerned therein, to make and give ſuch orders and directions therein, either for the removal or diſplacing ſuch aſſignee or aſſignees, and the appointing any new aſſignee or aſſignees, in the place or ſtead of ſuch aſſignee or aſſignees ſo to be removed or diſplaced, or for the prudent, juſt, or equitable management or diſtribution of the eſtate and effects of any ſuch priſoner for the benefit of the reſpective creditors, as the ſaid courts or judges reſpectively ſhall think fit; and in caſe of the removal or diſplacing of any aſſignee or aſſignees, and the appointing of any new aſſignee or aſſignees, the eſtate or effects of

Aſſignees may be complained againſt, for inſufficiency, fraud, miſmanagement, or other misbehaviour;

the court thereupon is to ſummon the parties, and make ſuch orders therein as they ſhall think fit.

of ſuch priſoner or priſoners ſhall, from thenceforth, be diveſted out of the aſſignee or aſſignees ſo removed or diſplaced, and be veſted in, and delivered over to, ſuch new aſſignee or aſſignees, in the ſame manner, and for the ſame intents and purpoſes, as the ſame were before veſted in the aſſignee or aſſignees firſt choſe as aforeſaid; any thing in this act contained to the contrary notwithſtanding.

Where mutual credit has been given, the balance to be ſtated and allowed.

LII. Provided always, and be it enacted by the authority aforeſaid, That in all caſes where mutual credit hath been given between any priſoner or priſoners who ſhall be diſcharged in purſuance of this act, and any other perſon or perſons, or body politick or corporate, before the delivery of ſuch ſchedule or inventory of the eſtate and effects of ſuch priſoner or priſoners, upon oath, as aforeſaid, the reſpective aſſignee and aſſignees of ſuch priſoner or priſoners is and are hereby authoriſed and required, on his and their parts, to ſtate and allow on account between them and the other party or parties concerned; and nothing more ſhall be deemed to be veſted in ſuch clerk of the peace, town clerk, or other officer, acting as clerk of the peace, or ſuch aſſignee or aſſignees under ſuch clerk of the peace, town clerk, or other officer, acting as clerk of the peace, as the eſtate or effects of ſuch priſoner or priſoners, than what ſhall appear to be juſtly due to him, her, or them reſpectively, as and for the balance of ſuch account when truly ſtated.

Priſoners, for not paying money awarded under ſubmiſſions to arbitration;

for not paying coſts;

and upon writ of *Excommunicato Capiendo*, &c.

are intiled to the benefit of this act.

LIII. *And whereas many perſons are often committed on attachments, for not paying money awarded to be paid under ſubmiſſions to arbitration by rules of court, or under ſubmiſſions to arbitration bonds, and which ſubmiſſions have been made rules of the court, in purſuance of an act paſſed in the ninth and tenth years of the reign of* William *the Third, for determining differences by arbitration; and likewiſe for not paying of coſts duly and regularly taxed and allowed by the proper officer, after proper demands made for that purpoſe; and alſo upon any writ of* Excommunicato Capiendo, *or other proceſs for, or grounded on, the non-payment of coſts or expences in any cauſe or proceeding in any eccleſiaſtical court*; it is hereby declared and enacted, That all ſuch perſons are and ſhall be intitled to the benefit of this act, on and ſubject to the ſame terms and conditions as are herein expreſſed and declared with reſpect to priſoners for debt only.

Thoſe who are priſoners upon proceſs out of courts of conſcience, to have the benefit of this act.

LIV. *And whereas great numbers of poor people have been, and are now, impriſoned for debt upon proceſſes iſſuing out of courts of conſcience*; it is hereby enacted and declared, That all ſuch priſoners ſhall be intitled to have the benefit of this act; and be diſcharged under the ſame, provided he, ſhe, or they, conform to the directions herein before preſcribed, touching other priſoners who ſhall be diſcharged by virtue of this act.

Quaker's affirmation to be taken in lieu of an oath.

LV. And be it further enacted by the authority aforeſaid, That in all caſes wherein by this act an oath is required, the ſolemn affirmation of any perſon being a *Quaker* ſhall and may be accepted and taken in lieu thereof; and every perſon making ſuch affirmation, who ſhall be convicted of wilful and falſe af-

firming,

firming, shall incur and suffer such and the same penalties as are inflicted and imposed by this act upon persons convicted of wilful and corrupt perjury.

Persons who took the benefit of the act of 9 Geo. 3. excluded.

LVI. Provided always, and be it further enacted by the authority aforesaid, That no person who took the benefit of an act passed in the ninth year of the reign of his present majesty King *George* the Third, intituled, *An act for the relief of insolvent debtors*, shall have or receive any benefit or advantage of or under this act, nor be deemed to be within the intent and meaning thereof, so as to be discharged under the same; any thing herein before contained to the contrary notwithstanding.

This act not to extend to Scotland.

LVII. Provided also, and it is hereby enacted, That nothing in this act contained shall extend to that part of *Great Britain* called *Scotland*.

The marshal or keeper indemnified.

LVIII. *And whereas the prisoners confined in the prison of the* King's Bench *have lately unwarrantably, and without colour of law, conceived that imprisonment for debt at the suit of a subject was contrary to law, and have therefore formed many dangerous schemes to set themselves at liberty, and on the nineteenth day of* November, *one thousand seven hundred and seventy, the prisoners confined in the said prison, to the number of sixty and upwards, did combine, conspire, confederate, and agree together, by force and violence, to break the said prison and escape thereout, and to enable them so to do, did clandestinely procure divers weapons to be conveyed into the said prison, and did on the said day suddenly and with violence knock down the turnkeys, and overpower them, and seize the keys, and set open the doors of the said prison, and divers prisoners escaped charged with debts to a large amount; and although the marshal or keeper of the said prison used all possible diligence to retake them, yet* John M'Cullock, *one of the said prisoners escaped, and cannot be retaken, and on the thirteenth day of* May, *one thousand seven hundred and seventy-one, a great many other prisoners, to the number of one hundred, did wickedly, and unknown to the said marshal, conspire together by force and violence again to break the said prison, and to escape thereout, and in order to effect the same, did clandestinely procure to be brought into the said prison a great number of fire arms and other destructive weapons, and the said prisoners in the night of the said thirteenth day of* May, *with the said fire arms and destructive weapons, did suddenly and riotously break through part of the wall of the said prison, and many prisoners escaped thereout charged with debts to a large amount, notwithstanding the marshal and his keepers, with all the assistance he could raise, resisted the said escape at the hazard of their lives, but were overpowered by the multitude, and irresistible force of the said prisoners; and notwithstanding the most immediate and fresh pursuit was made, and every effort used to retake the said prisoners, yet* Daniel Quarrington, Daniel Scott, John Henry Manrer, and Isaac De Rovery, *four of the said prisoners, made their escape, and cannot be heard of or retaken, and many of the plaintiffs, at whose suit the said prisoners were detained, have brought actions against the marshal or keeper of the said prison, charging him with negligent escapes of the said prisoners, with a view and design to recover of him the full debt*

debt or debts, with which ſuch priſoner or priſoners ſtood charged, though they well know the ſaid eſcapes happened from the unlawful conſpiracy of the ſaid priſoners, and from the irreſiſtible violences aforeſaid: and whereas it would tend to the ruin of the marſhal or keeper of the ſaid priſon, and alſo to encourage the moſt dangerous and illegal conſpiracies, if plaintiffs were permitted to ſue for and recover the ſums with which ſuch priſoners ſtood charged, as the caſes of voluntary, wilful, and negligent eſcapes; be it therefore enacted by the authority aforeſaid, That the marſhal or keeper of the ſaid priſon ſhall be, and he is is hereby indemnified, freed, and diſcharged of, and from and againſt the eſcape of the ſaid *John M'Culloch*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Iſaac De Rovery*, and of, from, and againſt, all action and actions which now are, or ſhall or may be commenced or proſecuted againſt him, for or by reaſon or means of the ſaid eſcape of the ſaid *John M'Culloch*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Iſaac De Rovery*, out of his cuſtody on the ſaid nineteenth day of *November*, one thouſand ſeven hundred and ſeventy, or the ſaid thirteenth day of *May*, one thouſand ſeven hundred and ſeventy-one, or in the night-time of thoſe reſpective days; and, at the trial of any ſuch action or actions, it ſhall and may be lawful to and for the ſaid marſhal of the ſaid priſon to plead the general iſſue, or ſuch other pleas as he by law is intitled to do, and to give this act in evidence, and thereupon the plaintiff or plaintiffs, in ſuch action, ſhall be nonſuited; or in caſe of a demurrer in any action already brought, or hereafter to be brought, againſt the ſaid marſhal or keeper, for or by reaſon of the ſaid eſcapes of the ſaid *John M'Cullock*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Iſaac De Rovery*, judgement ſhall be given for the defendant: ſaving nevertheleſs, to each and every the creditor or creditors of the ſaid *John M'Cullock*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Iſaac DeRovery*, all the remedies againſt them the ſaid *John M'Cullock*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Iſaac De Rovery*, and his and their reſpective lands and tenements, goods, chatteis, and effects, as he, ſhe, or they, would have been intitled unto, in caſe the ſaid *John M'Cullock*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Iſaac De Rovery*, had not eſcaped.

from the eſcape of priſoners, and all actions, commenced relative thereto.

CAP. XXIV.

An act for the better ſecuring and preſerving his Majeſty's dock yards, magazines, ſhips, ammunition and ſtores.

Preamble. WHERAS *the ſafety and preſervation of his Majeſty's ſhips of war, arſenals, magazines, dock yards, rope yards, victualling offices, military, naval, and victualling ſtores, and the places where ſuch ſtores are kept or depoſited, either within this realm or in any of the iſlands, countries, forts, or places thereunto belonging, is of great importance to the welfare and ſecurity of the kingdom*; may it pleaſe your moſt excellent Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with

with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons shall, either within this realm, or in any of the islands, countries, forts, or places thereunto belonging, wilfully and maliciously set on fire, or burn, or otherwise destroy, or cause to be set on fire, or burnt, or otherwise destroyed, or aid, procure, abet, or assist in the setting on fire, or burning, or otherwise destroying of any of his Majesty's ships or vessels of war, whether the said ships or vessels of war be on float or building, or begun to be built, in any of his Majesty's dock yards, or building or repairing by contract in any private yards, for the use of his Majesty, or any of his Majesty's arsenals, magazines, dock yards, rope yards, victualling offices, or any of the buildings erected therein, or belonging thereto; or any timber or materials there placed, for building, repairing, or fitting out of ships or vessels; or any of his Majesty's military, naval, or victualling stores, or other ammunition of war, or any place or places, where any such military, naval, or victualling stores, or other ammunition of war is, are, or shall be kept placed, or deposited; that then the person or persons guilty of any such offence, being thereof convicted in due form of law, shall be adjudged guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy.

Persons who shall wilfully set on fire, burn, or destroy ships of war, or aid or assist in so doing, in any of his Majesty's dock yards, arsenals, magazines, &c. or any buildings, timber, or materials, there placed; or any military, naval, or victualling stores, &c. being thereof convicted in due form of law, shall suffer death, as in cases of felony, without benefit of clergy.

II. And be it further enacted by the authority aforesaid, That any person who shall commit any of the offences before mentioned, in any place out of this realm, may be indicted and tried for the same, either in any shire or county within this realm, in like manner and form, as if such offence had been committed within the said shire or county, or in such island, country, or place, where such offence shall have been actually committed, as his Majesty, his heirs, or successors, may deem most expedient for bringing such offender to justice; any law, usage, or custom notwithstanding.

Persons offending out of this realm, may be tried in any shire, &c. within the realm.

CAP. XXV.

An act for the more effectual vesting in the royal hospital at Greenwich *the forfeited and unclaimed shares of naval officers, seamen, and marines, in prizes taken from the enemy; and for other purposes therein mentioned.*

WHEREAS, *previous to, and during the course of, the late wars against* France *and* Spain, *divers ships and vessels were taken from the enemy by several of his Majesty's ships of war, and fort* Lewis *at* Senegal, *the island of* Goree, *the islands of* Martinico, Guadeloupe, *and several other of the* Leeward *islands, the towns of* Pondicherry *and* Karrical, *and divers other settlements on the coast of* Coromandel, *the fortresses of* Chandenagore, Budgia Budgia Tanna, *and* Hughley, *in or near the province of* Bengal, *and the fortress of* Geriah, *the town of* Havanna, *and sundry ships of war in the harbour thereof, the city, town, and fort of* Manilla, *and divers other forts, settlements, and places of or belonging to or under the dominion of the crowns of* France *and* Spain, *or their allies, were reduced and taken by the conjunct force of his Majesty's navy and army;* Preamble.

ny; and large quantities of money, goods, wares, and merchandiſes, were taken and ſeized, as booty or plunder, by ſuch conjunct force; and divers ſums of money were paid, or given or agreed to be paid, by way of ranſom, to the officers, ſoldiers, and ſailors, who had conjunctively taken and ſeized ſundry goods, wares, and merchandiſes, as booty or plunder; and alſo for the ranſom of ſundry forts, places, ſettlements, and iſlands, ſo reduced and taken by ſuch conjunct force as aforeſaid; and alſo divers ſums of money were given by certain foreign princes, in alliance with the crown of Great Britain, *and of the trading companies thereunto belonging, and ſubject, by way of donation to, and to be diſtributed among, ſuch officers, ſoldiers, and ſailors, as had aſſiſted ſuch foreign princes, in recompence for their good ſervice and aſſiſtance: and whereas certain acts were made in the twenty-ninth and thirty-third years of the reign of his late Majeſty, and in the ſecond year of the reign of his preſent Majeſty, for the encouragement of ſeamen, and the more ſpeedy and effectually manning his Majeſty's navy; and for the more effectual ſecuring the payment of ſuch prize and bounty money as were thereby appropriated to the uſe of* Greenwich *hoſpital: and whereas doubts have ariſen whether the ſhips and veſſels ſo taken, previous to the commencement of the late war, and the booty or plunder ſo taken on ſhore by ſuch conjunct force, and the ſaid ſhips ſo taken in the harbour of* Havanna, *and ſuch ranſom, and alſo ſuch donations as aforeſaid, can be conſidered as ſubject to ſuch diſtribution as in the ſaid acts are mentioned; and whether ſuch ſhares thereof, as have been forfeited and unclaimed by the officers and ſeamen ſerving on board his Majeſty's navy, do belong to the royal hoſpital for ſeamen at* Greenwich, *in the county of* Kent; *and whether ſuch ſhares ought to be paid by the ſeveral agents, or other perſons in whoſe hands the ſaid forfeited and unclaimed ſhares do now remain to the treaſurer of the ſaid hoſpital, for the uſe thereof:* for remedy whereof, and to obviate all doubts and difficulties which have ariſen, or may ariſe, concerning the ſaid forfeited and unclaimed ſhares, may it pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every ſum and ſums of money, ariſing by ſale of any ſhip or veſſel taken from the enemy, previous to the commencement of the late war, and now remaining unpaid to the captors thereof, and all and every the booty money, goods, wares, and merchandiſes, which were ſo taken by ſuch conjunct force, on ſhore, and the money paid, or agreed to be paid, for the ranſom of any ſhip, town, fort, place, ſettlement, or iſland, ſo reduced and taken by ſuch conjunct force, or of the goods, wares, and merchandiſes found therein; and all and every ſhip and ſhips taken by, or ſurrendered by virtue of any capitulation, or otherwiſe, to ſuch conjunct force, and alſo all ſuch monies as have been given by way of donation as aforeſaid, ſhall be deemed and taken to be included in the ſaid acts, and to be ſubject to ſuch and the ſame mode of diſtribution, management, and application, as any other*

A&. 29, and 33 Geo. 2;

and act 2 Geo. 3.

All ſums ariſing by ſale of ſhips, &c. taken previous to the commencement of the late war, mentioned therein, are hereby deemed to be included in the ſaid acts;

other ships, vessels, goods, and merchandises, were, pursuant to the said acts, liable to, or ought to be subject, but not so as to impeach, affect, or disturb any mode of distribution, which may have been already adopted, or any payments which have been actually and *bona fide* made agreeable thereto.

and are subject to the same mode of distribution and application.

II. Provided always nevertheless, That nothing herein contained shall extend, or be construed to extend, so as to make it necessary to have any capture on shore, condemned as lawful prize in any court of admiralty, or to give any court of admiralty any greater or other power or jurisdiction, than what such court would be intitled to, in case this act had not been made.

Court of admiralty to have no additional jurisdiction by this act.

III. And be it further enacted by the authority aforesaid, That all and every person and persons, agent and agents, (who, at the time of passing this act, shall be residing in *Great Britain*) nominated and appointed for the receipt and distribution of the booty and plunder found in the fortress of *Geriah*, or of the money arising by the sale of any ship, vessel, goods, and merchandise, taken from the enemy during the late wars with *France* and *Spain*, or of the booty and plunder found in any town, fort, place, or settlement, reduced and taken, during such wars as aforesaid, or of the ransom of any ship, town, fort, place, settlement, or island, or of any goods, wares, and merchandises, reduced and taken aforesaid, or of any such donation as aforesaid, or on any bounty bill, or bounty bills, given or granted for the taking, burning, sinking, or destroying any of the enemies ships of war, or privateers, during such wars as aforesaid, their executors and administrators, and all and every person and persons acting as such agent or agents, and residing in *Great Britain* as aforesaid, their executors or administrators, shall, on or before the twenty-fifth day of *March*, one thousand seven hundred and seventy three, account for, and pay to the treasurer of the royal hospital for seamen at *Greenwich*, in the county of *Kent*, or to his sufficient deputy or agent, for the use of the said hospital, all and every sum and sums of money, as shall be then remaining in their hands, on account of such shares of the money arising as aforesaid, as would have belonged to such officers and men of his Majesty's navy and marines, who had forfeited the same, by deserting from his Majesty's service, in case they had not so deserted, and also such shares thereof as were forfeited by the several naval officers, seamen, and marines intitled thereto, on occasion of their not claiming the same, within three years from the respective times appointed for the payment of the said shares, by the publick notifications given of the times of such payment, pursuant to the said acts of parliament.

All agents residing in Britain, appointed for receipt and distribution of booty, &c.

or of the ransom of ships, forts, &c.

shall, before March 25. 1773, pay to the treasurer of the royal hospital at Greenwich, all sums then remaining in their hands, on account of the shares of officers, &c. who have deserted; and all forfeited shares, not claimed within three years from the respective times appointed for the payments.

IV. *And whereas it hath frequently happened that divers naval officers, seamen, and marines, have been prevented, by absence, or other inevitable accidents, from claiming their shares of prize and bounty money, within three years after publick notifications have been given of the time appointed for payment thereof*; be it enacted by the authority aforesaid, That if any naval officer, seaman, or marine, his executors or administrators, shall, after his share of prize

Naval officers, &c. prevented from claiming within the limited time, giving sufficient proof to the board of directors of their inability,

of prize or bounty money has been paid to the treaſurer of the ſaid hoſpital, or his deputy, for the uſe thereof, by virtue of this act, give ſufficient proof to the board of directors of the ſaid hoſpital of his inability of claiming his ſhare of prize and bounty money in due time, it ſhall and may be lawful to and for the ſaid board of directors, and they are hereby impowered to order the treaſurer of the ſaid hoſpital to refund and pay to ſuch naval officer, ſeaman, or marine, his executors or adminiſtrators, ſuch his ſhare of prize or bounty money, ſo received by the ſaid treaſurer; and that the treaſurer of the ſaid hoſpital ſhall be allowed ſuch payment, on paſſing his account before the auditor of the ſaid hoſpital.

to have their ſhares refunded by the treaſurer.

Forfeitures and unclaimed ſhares, to be recovered by bill or information.

V. And be it further enacted by the authority aforeſaid, That all and every the forfeited and unclaimed ſhares of prizes, and other benefits accruing to the ſaid hoſpital, by virtue of this or any former act, ſhall and may be recovered by any action, bill, plaint, ſuit, or information, to be brought in the name of the maſter, or governor, and treaſurer of the ſaid hoſpital, for the time being.

After March 25, 1773, ſuits brought in behalf of the hoſpital againſt agents,

VI. *And whereas many agents appointed for the receipt and diſtribution of prize money, and money ariſing on bounty bills, have been induced to delay the payment of forfeited and unclaimed ſhares, due to the ſaid royal hoſpital, by virtue of the ſaid acts, and to carry on long and expenſive litigations with the governor and treaſurer of the ſaid hoſpital, in conſideration that the intereſt of the money due to the ſaid hoſpital, for ſuch forfeited and unclaimed ſhares, does ſometimes far exceed, or may be at leaſt equivalent to the coſts of the ſaid agents, attending ſuch litigations*; for remedy whereof, be it further enacted by the authority aforeſaid, That if any ſuit ſhall, after the ſaid twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy-three, be brought in any of his Majeſty's courts of law or equity, by or on the behalf of the ſaid hoſpital, againſt any agent or agents nominated and appointed for the purpoſes aforeſaid, or either of them, or againſt any perſon or perſons acting as ſuch agent or agents, (who at the time of paſſing this act ſhall be reſiding in *Great Britain*), their executors or adminiſtrators, for an account of, or to compel payment of any ſuch ſhares as aforeſaid; ſuch agent or agents, or perſon or perſons acting as ſuch, their executors or adminiſtrators, ſhall pay to the treaſurer of the ſaid royal hoſpital, or to his ſufficient deputy, for the uſe thereof, intereſt at the rate of five pounds *per centum per annum*, for ſuch ſums of money as ſhall, in the event of the ſaid ſuit, appear to be remaining in the hands of ſuch agent or perſon reſpectively, on account of ſuch forfeited and unclaimed ſhares as aforeſaid, together with the amount of ſuch forfeited and unclaimed ſhares; ſuch intereſt to be computed from the end of three years next after the time appointed by ſuch notifications as ſhall have been given purſuant to the ſaid acts for the payment of ſuch ſhares as aforeſaid.

5l. *per cent.* intereſt for monies in their hands, to be paid by the ſaid agents.

Agents, before Dec. 31, 1773, to pay to the

VII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, agent and agents, (who at the time of paſſing this act ſhall be reſiding in parts beyond

the

the ſeas), nominated and appointed for the receipt and diſtribution of the money ariſing by the ſale of any ſhip, veſſel, goods, and merchandiſe, taken from the enemy during the late wars with *France* and *Spain*, or of the booty and plunder found in any town, fort, place, or ſettlement, reduced and taken during ſuch wars as aforeſaid, or of the ranſom of any ſhip, town, fort, place, ſettlement, or iſland, or of any goods, wares, and merchandiſes, reduced and taken as aforeſaid, or on any bounty bill, or bounty bills, given or granted for the taking, burning, ſinking, or deſtroying, any of the enemies ſhips of war or privateers, during ſuch wars as aforeſaid, their executors, or adminiſtrators, and all and every perſon and perſons acting as ſuch agent or agents, and reſiding in parts beyond the ſeas as aforeſaid, their executors or adminiſtrators, other than and except ſuch agents or perſons as are or ſhall be reſiding in *Eaſt India*; ſhall, on or before the thirty-firſt day of *December*, one thouſand ſeven hundred and ſeventy-three, account for and pay to the treaſurer of the royal hoſpital for ſeamen at *Greenwich*, in the county of *Kent*, or to his ſufficient deputy, attorney, or agent, for the uſe of the ſaid hoſpital, all and every ſum and ſums of money as ſhall be then remaining in their hands, on account of ſuch ſhares of the money ariſing as aforeſaid, as would have belonged to ſuch officers and men of his Majeſty's navy and marines, who had forfeited the ſame by deſerting from his Majeſty's ſervice, in caſe they had not ſo deſerted, and alſo ſuch ſhares thereof as were forfeited by the ſeveral naval officers, ſeamen, and marines, intitled thereto, on occaſion of their not claiming the ſame within three years from the reſpective times appointed for the payment of the ſaid ſhares, by the publick notifications given of ſuch payment, purſuant to the ſaid acts; and that ſuch agents or perſons as are or ſhall be reſiding in *Eaſt India* ſhall account for, and pay to the treaſurer of the ſaid hoſpital, or to his ſufficient deputy, attorney, or agent, for the uſe thereof, ſuch ſhares as aforeſaid, on or before the twenty-fourth day of *June*, which will be in the year of our Lord one thouſand ſeven hundred and ſeventy-four: and that if any ſuit ſhall, after the ſaid thirty-firſt day of *December*, one thouſand ſeven hundred and ſeventy-three, be brought in any of his Majeſty's courts of law or equity by or on behalf of the ſaid hoſpital, againſt any agent or agents nominated and appointed for the purpoſes aforeſaid, or either of them, or againſt any perſon or perſons acting as ſuch agent or agents, (who at the time of paſſing this act ſhall be reſiding in parts beyond the ſeas), their executors or adminiſtrators, other than and except ſuch as are or ſhall be reſiding in *Eaſt India*, for an account of, or to compel payment of any ſuch ſhares as aforeſaid; ſuch agent or agents, perſon or perſons, acting as ſuch, their executors or adminiſtrators, ſhall pay to the treaſurer of the ſaid royal hoſpital, or to his ſufficient deputy, attorney, or agent, for the uſe thereof, intereſt at the rate of five pounds *per centum per annum*, for ſuch ſum of money as ſhall, in the event of the ſaid ſuit, appear to be remaining in the

treaſurer of the hoſpital, all ſums remaining in their hands on account of ſuch ſhares;

and if any ſuit ſhall be brought againſt any agent, &c. except ſuch as are in Eaſt India, to compel payment of ſhares, ſuch agent ſhall pay 5l. *per cent.* together with the amount of unclaimed ſhares:

hands of ſuch agent or perſon reſpectively, on account of ſuch forfeited and unclaimed ſhares as aforeſaid, together with the amount of ſuch forfeited and unclaimed ſhares; ſuch intereſt to be computed from the end of three years next after the time appointed by ſuch notifications, as have been given purſuant to the ſaid acts, for the payment of ſuch ſhares as aforeſaid.

Intereſt to be computed after 3 years notification.

No agreement to be vacated between the commanders of ſea and land forces.

VIII. Provided alſo, That nothing in this act contained ſhall extend, or be conſtrued to extend, ſo as to vacate any agreement entered into between the commanders of his Majeſty's ſea and land forces conjunctively employed in the expedition againſt *Manilla*, or any other place, during the late wars with *France* and *Spain*.

All money due to land forces now unclaimed, in the hands of any agent, to be forthwith paid to the commiſſioners appointed by act 5 Geo. 3. to be applied as the ſaid act directs.

IX. And be it further enacted by the authority aforeſaid, That all ſuch ſum and ſums of money as by virtue of ſuch agreements became due to his Majeſty's land forces, and are now remaining unclaimed in the hands of any agent or agents, ſhall be forthwith paid to the commiſſioners appointed by an act made in the fifth year of his preſent Majeſty, intituled, *An act to oblige agents for prize money to account for ſuch ſums of money, as remain in their hands unclaimed, the property of any of his Majeſty's land forces, and for the application thereof*; to be applied by the ſaid commiſſioners according to the directions of the ſaid act.

Publick act.

X. And be it further enacted and declared, That this act ſhall be deemed a publick act; and all judges, juſtices, and other perſons, are hereby required to take notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XXVI.

An act for imbanking, draining, and preſerving, certain fen lands and low grounds in the pariſh of Ramſey, in the county of Huntingdon; and in the pariſhes of Doddington, March, Benwick, Wimblington, and Chatteris, within the Iſle of Ely, in the county of Cambridge; and for amending the road from a certain bridge in the pariſh of Chatteris aforeſaid, called Carter's Bridge, by a drain called Vermuyden's, or The Forty Feet Drain, to a bridge called The Forty Feet Bridge in the ſaid pariſh of Ramſey.

Preamble. The whole fen lands deſcribed make two ſeparate diſtricts for imbanking the river Nene; and the ſaid fen lands, ſo deſcribed, are divided into five diſtricts for draining. Firſt diſtrict for draining. Second diſtrict. Third diſtrict Fourth diſtrict. Fifth diſtrict. Commiſſioners appointed for general diſtrict for imbanking. Owners of 100 acres of land in the general diſtrict may appoint a commiſſioner. Commiſſioners. Owners of ſix acres of land to be a commiſſioner for firſt diſtrict. Owner of ſix acres of land to be a commiſſioner for ſecond diſtrict. Owner of ten acres of land to be a commiſſioner for the third diſtrict. Owner of ten acres to be a commiſſioner for the fourth diſtrict. Owner of twenty acres to be a commiſſioner for the fifth diſtrict. Owner of fifty acres of taxable lands to appoint a commiſſioner for fifty acres. Owners of fifty acres in lower or fifth diſtrict to appoint a commiſſioner for imbanking and draining. Power of commiſſioners of the fifth diſtrict to make ſub-diviſions. Commiſſioners to meet twice in every year. Commiſſioners of the lower diſtrict to lay a tax of 1 s. *per* acre for imbanking. Quantity of lands to be given in by owners. Allowing a re-ſurvey of land. How the money rated and aſſeſſed, &c is to be applied. Monies ariſing in the upper and lower diſtrict how to be applied. General commiſſioners may borrow 4000l. for imbanking.

Tax

Tax of 1 s. *per* acre not to be leſſened ſo long as any money is due thereon. Securities aſſignable, and to be entered in a book for that purpoſe. Tax of 1 s. *per* acre chargeable with payment of the principal money, and veſted in creditors. No money to be borrowed but at a meeting, and with conſent of the commiſſioners. Tax of 1 s. to be raiſed from perſons rated, and refuſing to pay; to be levied by diſtreſs and ſale, with the charges of appraiſing, &c. Commiſſioners to ſet turnpikes on the Forty Feet Bridge. Tolls. Tolls veſted in commiſſioners; who may diſtrain in caſe of non-payment. Tolls to be paid only once a day. Fences to be ſet up on ſide of road or gate for occupiers of land, and a key to be given, at the expence of the commiſſioners. Perſons permitting private paſſage to evade tolls forfeit 40 s. Gates, fences, and toll-houſes, veſted in commiſſioners. Power to leaſe tolls for three years on 28 days notice. Application of tolls. Qualification of commiſſioners of the road and tolls: they may lower tolls with conſent of creditors on 28 days notice. Perſons evading payment of tolls, to forfeit 40 s Exemptions from tolls. Penalty on claiming exemptions if not intitled. Commiſſioners may borrow money on credit of the tolls, and aſſign over ſaid tolls for payment. Aſſignments to be entered in a book. Truſtees may lend money on ſecurity of tol's. Preference to perſons offering to lower intereſt. Continuance of this act. Commiſſioners for the drainage, to meet twice in every year. Commiſſioners may aſſeſs 3 s. *per* acre for firſt diſtrict; 3 s. *per* acre for ſecond diſtrict; 2 s 6 d. *per* acre for third diſtrict; 2 s. *per* acre for fourth diſtrict; 2 s. *per* acre for the fifth diſtrict. Tenants of part of the fifth diſtrict ſhall pay the taxes during the continuance of their leaſes. No dams, &c. ſhall be cut or opened before Aug. 1. after paſſing this act. Lands exempt from draining tax. Slamps exempted from payment of taxes. Survey of general diſtrict to be ſurveyed for ſeparate diſtricts. Expence of draining the ſecond and fourth diſtrict, how to be paid. Proviſo. Commiſſioners in ſupporting and widening the general diſtricts, ſhall make ſatisfaction to the owners of ſoil. Waters not to be conveyed to the ſea other than into the river Nene and Forty Feet Drain. Commiſſioners may diſtreſs for taxes. Land-owners to pay a penalty of 2 d. in 1 s. for nonpayment of taxes. Soak banks to be joined. Commiſſioners may borrow money on ſeparate diſtrict. Sums to be borrowed, at one time, on each diſtrict. Securities aſſignable. Money borrowed chargeable on taxes, and veſted in creditors. Commiſſioners or land-owners impowered to drain any ditches or drains dividing diſtricts or lands. Cutting into firing, how to be prevented. Commiſſioners to appoint officers. Officers to account yearly, which the commiſſioners are to paſs. Accounts to be entered. Officers to account upon oath. Materials for roads and banks may be carried away by the commiſſioners. Orders and proceedings of commiſſioners to be entered in books. Orders not to be reverſed. Perſons wilfully deſtroying works, on conviction, ſhall be deemed guilty of felony. Perſons cutting works, to forfeit 20 l. on conviction. Perſons occaſioning obſtructions in drains and fiſhery, to forfeit not exceeding 5 l. Commiſſioners to make allowance for catching moles and vermin. Penalty on perſons allowing hogs to wander on the banks. Burning the banks, how to be prevented. Perſons erecting any horſe mill, &c. to forfeit 50 l. No hods to be cut within ſixty-ſix feet of banks, under forfeiture of 5 l. Penalty for making ſoak banks, &c. to be levied by diſtreſs. No houſes to be built on banks near mills. Trees growing near banks to be pulled down. Owner or occupier to cleanſe dykes, &c. Mills to be inſured. Perſons breaking down bridges or rails, to forfeit 5 l. Encroachments in roads, how to be prevented. Commiſſioners power to contract with workmen. No damage to be done to dwelling-houſes in turning roads Roads to be meaſured, and mile-ſtones erected. No timber to be dragged upon the road. Juſtices to adminiſter oath. Convictions not to be removed by *Certiorari*. Proviſo. Double coſts in caſes of nonſuit. Actions may be brought. Writings to be without ſtamps. Perſons not included in diſtricts to make and ſupport banks. Commiſſioners of private diſtricts and land owners to repair the banks of the Nene and Forty Feet Drain, if neglected by the general commiſſioners. Commiſſioners impowered to repair the bank of the river Nene, in caſe of neglect, Commiſſioners of the five diſtricts to make

headings againſt the Nene. Breaches in the banks of the river Nene, &c. Engines to be employed in draining the lands overflowed. Commiſſioners to repair the banks of the river Nene in Mr. Houſehold's farm, if neglected. Mr. John Houſehold to make and repair two headings againſt the fifth diſtrict next Borough Moore Common, and the river Nene; and in caſe of neglect, commiſſioners impowered to repair the ſame. Experienced engineers to eſtimate the value of any imbankment to be made 23 years hence, Annual benefit by the imbankment of Ramſey Meer, and the diminution of the ſoak water, to be paid to owners. Annual benefit to The Four hundred Acre Farm by the diminution of the ſoak waters, to be paid to owners. Engineers and ſurveyors diſagreeing concerning Ramſey Meer, &c. juſtices to determine. Saving clauſe to the corporation of Bedford Level. Saving clauſe to the commiſſioners of Nene. Limitation of actions. General iſſue. Treble coſts. Publick act.

CAP. XXVII.

An act to amend, and render more effectual, an act made in the twenty-ſecond year of the reign of his late Majeſty King George the Second, intituled, An act for the more effectual draining and preſerving of ſeveral fen lands and field lands, in the bounds and precincts of Whittleſey, in the Iſle of Ely, in the county of Cambridge, ſo far as the ſame relates to the ſeveral fen and field lands lying in the third, fourth, and fifth diſtricts, deſcribed in the ſaid act.

Preamble. Act 22 Geo. 2. The lands in third, fourth, and fifth diſtricts to pay a rate of 3s. 6d. 3s. and 1s. 6d. *per* acre, beſides the rate of 1s. 6d. charged by act 22 Geo. 2. to pay debts. Rates to be laid by the commiſſioners for ſeven years. How the rates of the third, fourth, and fifth diſtricts are to be levied after the expiration of ſeven years. Application of rates after ſeven years. Quantities of lands hereby taxed to be aſcertained in purſuance of act 22 Geo. 2. Application of tax for ſeven years. Commiſſioners appointed by the former to execute this act. The owner of Beale's farm ſhall be a commiſſioner. Drains may be made through Wype Doles, paying 30 years purchaſe for land on groſs rental. No perſon to deſtroy drains. Taxes may be levied by diſtreſs and ſale. Tenants to pay, and deduct charges out of rent. If lands unoccupied, and no diſtreſs to be taken, Collectors, &c. may diſtrain when occupied. Commiſſioners may borrow money. What ſums of money ſhall be borrowed. Aſſignments to be transferrable. Taxes chargeable with money borowed. Commiſſioners to elect a receiver for each diſtrict; and to take ſecurity from them. Officers to account yearly, which the commiſſioners are to paſs. Accounts to be entered. Orders and proceedings of commiſſioners to be entered in books. Orders not to be reverſed. To prevent the erecting of horſe mills, &c. Penalty of cutting turves, &c. is 5l. and for cutting ſoak dykes, &c. 4d. for every foot. Engines and mills may be inſured. For catching moles and vermin. To prevent buildings or holts being built or planted within 40 poles of a mill. Trees and holts may be removed. Houſes burnt or blown down may be rebuilt. Diſtreſs not to be deemed unlawful for want of form. Limitation of actions. General iſſue. Double coſts. This act not to alter the former act. Rights of the corporation and others ſaved to themſelves. Publick act.

CAP. XXVIII.

An act to enlarge the cœmetery or churchyard, of the pariſh of Watford, in the county of Hertford, and to make an additional building to the preſent workhouſe, for the reception of the poor of the ſaid pariſh; and for other purpoſes therein mentioned.

CAP.

CAP. XXIX.

An act to explain and amend an act, passed in the sixth year of the reign of his present Majesty, intituled, An act for taking down and removing certain light-houses now standing near the *Spurn Point*, at the mouth of the *Humber*; and for erecting other fit and convenient light-houses instead thereof.

Preamble. Act 6 Geo. 3.

WHEREAS *by an act of parliament, passed in the sixth year of the reign of his present Majesty, intituled,* An act for taking down and removing certain light-houses now standing near the *Spurn Point*, at the mouth of the *Humber*; and for erecting other fit and convenient light-houses instead thereof; *after reciting, amongst other things, That it was absolutely necessary for the safety of the northern navigation that two new light-houses should be erected in a proper place nearer to the* Spurn Point *than the place where the then light-houses stood: and that* John Angell *then of* Stockwell *in the county of* Surrey, *esquire, as owner of three-fourth parts of the said light-houses, revenues, duties, and profits, having had frequent applications made to him, or his agents, by the corporations of the* Trinity Houses *of* Deptford Strond *and* Kingston upon Hull, *and also by* Leonard Thompson, *therein named, and all possible means having been used to prevail on him to change the situation thereof, in such a manner as that they might answer the good ends and purposes for which they were originally designed, had, from time to time, wholly neglected or refused so to do, or to contribute his proportion of the expence of taking down and removing the said then light-houses, and of erecting and building others in the stead thereof as aforesaid, whereby, and by petitions to his Majesty for that purpose, and by references thereon, the said corporations, and also the said* Leonard Thompson, *had been put to considerable charges and expences; and also reciting, That the said* Leonard Thompson *was ready and willing to take down and remove the said then light-houses, and to erect and build others instead thereof, in such place or places near to the present point of the* Spurn, *and in such manner and form, as should be thought most proper and convenient by the said corporation of the* Trinity House *of* Deptford Strond, *and under their inspection and direction, upon his being enabled to borrow and raise money for that purpose, and for repaying to the said corporations of the* Trinity Houses *of* Deptford Strond *and* Hull, *and him the said* Leonard Thompson *respectively, their said respective charges and expences incurred concerning the said light-houses, and also for defraying the charges of soliciting and obtaining that act, and so that the three-fourth parts of the said revenues, duties, and profits, belonging to the said* John Angell, *might be a redeemable interest in him, or the person or persons intitled thereto, on his or their paying the whole amount of the said expences of the said corporations of* Deptford Strond *and* Hull, *and of him the said* Leonard Thompson, *and the interest thereof, and three-fourth parts of the expences of obtaining that act, and removing and rebuilding the said light-houses, and the interest of such three-*

three-fourth parts, to the perſon or perſons who ſhould advance and lend the ſame, his, her, or their executors, adminiſtrators, or aſſigns; but by reaſon of the eſtate and intereſt which the ſaid John Angell *had in the ſaid three-fourth parts of the ſaid lands, light-houſes, revenues, duties, and profits, and by reaſon that the ſaid* Leonard Thompſon *was only tenant for life, with ſuch remainders over as in the ſaid act is mentioned, in the ſaid fourth part of the ſaid premiſes, the purpoſes aforeſaid could not be effected without aid and authority of parliament; therefore, for promoting a work ſo conducive to the ſafety of his Majeſty's ſubjects, and to remedy ſo great a detriment to trade and navigation, it was enacted, That it ſhould be lawful for the ſaid* Leonard Thompſon, *and other the perſon and perſons who ſhould for the time being be intitled to his fourth part of the duties and profits by the ſaid act granted or continued by or under the therein recited will of* Edward Thompſon, *and he and they were thereby authoriſed and required, with as much ſpeed as conveniently might be, after the firſt day of* June, *one thouſand ſeven hundred and ſixty-ſix, to erect and build, or cauſe to be erected and built, two new and ſufficient light-houſes, with ſuitable offices and conveniencies, at or near the ſaid* Spurn Point, *and according to ſuch plan and eſtimate as the maſter, wardens, and aſſiſtants of the ſaid corporation of the* Trinity Houſe *of* Deptford Strond *ſhould, by writing under their common ſeal, ſpecify, appoint, and approve of; and for that purpoſe to take down the then preſent light-houſes, and to make uſe of all or any part of the materials thereof, or otherwiſe to ſell and diſpoſe of the ſame, and to apply the money ariſing thereby towards building ſuch new light-houſes; and in the mean time, and until ſuch new light-houſes ſhall be compleated, to erect and continue two temporary light-houſes as near as might be to the reſpective places where the ſaid new light-houſes ſhould, as aforeſaid, be appointed to be built, and alſo to keep ſufficient lights and fires continually burning in the night ſeaſon, ſo as to anſwer the purpoſes intended by the ſaid act, for the benefit of navigation; and from time to time to enlarge, contract, alter, or remove the ſaid new light-houſes, or either of them, as occaſion might require, with the conſent and by the direction of the ſame corporation, to be ſignified as aforeſaid; and, for any of the purpoſes aforeſaid, to enter upon and uſe ſuch part or parts of the land at or near* Spurn Point, *as the corporation of the* Trinity Houſe *of* Deptford Strond *ſhould, from time to time, by writing under their common ſeal, appoint: and to the end that the completion of ſo neceſſary a work might not be obſtructed by the ſaid* John Angell's *perſiſting in his refuſal to co-operate with the ſaid* Leonard Thompſon *therein, and for enabling the ſaid* Leonard Thompſon, *or other perſon or perſons who ſhould come into poſſeſſion of his ſhare or intereſt in the ſaid premiſes, to diſcharge to the corporations of the* Trinity Houſes *of* Deptford *and* Hull, *and to him the ſaid* Leonard Thompſon *reſpectively, the expences which he and they had been put to on the occaſions aforeſaid, and to diſcharge the expences of obtaining the ſaid recited act (ſuch expences to be aſcertained as therein is directed), and to raiſe money ſufficient for taking down the then preſent light-houſes, and erecting and building the ſaid temporary lights and new light-*

houſes, it was by the ſaid act further enacted, That it ſhould be lawful for the ſaid Leonard Thompſon, *or other perſon or perſons in poſſeſſion of his ſaid fourth part, to borrow and raiſe any ſum or ſums of money, not exceeding in the whole the amount of the aforeſaid expences and eſtimate aſcertained in manner as aforeſaid; and for ſecuring the repayment thereof, to mortgage, leaſe, or demiſe, the ground which ſhould be appointed in manner aforeſaid, together with the light-houſes which ſhould be erected thereon, with their appurtenances, and the duties and profits thereby granted, for any number of years, not exceeding five hundred years, under and ſubject to ſuch proviſoes, covenants, and conditions, as well for redemption as other purpoſes, as in the ſaid act are particularly mentioned and expreſſed: and it was by the ſaid act further enacted, That if the ſaid* Leonard Thompſon, *or other perſon or perſons who ſhould come into poſſeſſion of his ſhare and intereſt in the ſaid premiſes, ſhould neglect or refuſe to perform the works above mentioned within two years after receiving ſuch plan and eſtimate as aforeſaid, that then the ſaid corporation of the* Trinity Houſe *of* Deptford Strond *ſhould cauſe the ſame to be compleated; and from and after the erections of ſuch new light-houſes, and placing lights therein by the ſaid corporation, the ſaid duties thereby granted or continued, with the powers and authorities for demanding, collecting, and receiving the ſame, ſhould immediately veſt in the ſaid corporation, in manner and for the time therein mentioned: and whereas, in purſuance of the ſaid act, the ſaid* Leonard Thompſon *hath proceeded to take down the ſaid old light-houſes, and at his own expence hath erected two temporary lights; but the ſaid* Leonard Thompſon *not being able to borrow a ſum of money ſufficient to enable him to erect and build two new light-houſes at the ſaid* Spurn Point, *for the purpoſes in the ſaid act mentioned, was conſtrained to apply to the ſaid corporation of the* Trinity Houſe *of* Deptford Strond, *to take upon them, according to the directions of the ſaid recited act, the erecting and building ſuch two new light-houſes, with ſuitable offices and conveniences, at or near the ſaid* Spurn Point, *under their care and management, which the ſaid corporation, after furniſhing a proper plan and eſtimate for that purpoſe to the ſaid* Leonard Thompſon, *did accordingly undertake and agree to do, and, in purſuance thereof, have contracted and agreed with able and experienced ſurveyors and workmen for the erecting and building ſuch two new light-houſes, according to the ſaid plan and eſtimate approved of under their common ſeal, as by the ſaid act is directed; and the ſaid corporation are now proceeding, with all due diligence, to conſtruct and finiſh the ſaid two new light-houſes, and for that purpoſe have already expended and laid out ſeveral large ſums of money, and will be under a neceſſity of expending a ſtill further conſiderable ſum before the ſaid light-houſes and works can be compleated: and whereas the duties granted or continued by the ſaid former act are not to become veſted in the ſaid corporation of the* Trinity Houſe *of* Deptford Strond, *under the powers contained in the ſaid recited act, until the ſaid two new light-houſes ſhall be erected, and lights placed thereon by the ſaid corporation: and whereas the ſaid corporation, and the ſaid corporation of the* Trinity Houſe *of* Hull, *and alſo the ſaid* Leonard Thompſon,

Thompſon, *have expended very conſiderable ſums of money on the occaſions in the ſaid act mentioned, as alſo in the obtaining the aforeſaid act of parliament, (all which expences have been aſcertained by the commiſſioners therein named, according to the directions and authority of the ſaid act), and ſince the paſſing thereof, in pulling down the ſaid old light-houſes, and erecting the aforeſaid temporary light-houſes, and in carrying on the preſent works towards building and compleating the ſaid two new light-houſes, which ſums they have at preſent no means of being reimburſed; and the agents of the ſaid* John Angell *have alſo greatly obſtructed the workmen employed by the ſaid corporation of the* Trinity Houſe *of* Deptford Strond, *in erecting the ſaid new light-houſes: and whereas it is highly neceſſary to the navigation of this kingdom, that the ſaid new light-houſes ſhould be erected and compleated as ſoon as may be; and it is alſo very fit and reaſonable that the ſaid corporations of the* Trinity Houſes *of* Deptford Strond *and of* Hull, *and alſo the ſaid* Leonard Thompſon *ſhould be ſeverally paid their aforeſaid charges and expences*; may it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame,

Temporary light-houſes and duties veſted in Trinity Houſe of Deptford Strond, until all expences be paid, &c.

That from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, the ſaid two temporary light-houſes erected as aforeſaid, and the upholding, maintenance, management, and care thereof, until the ſaid new light-houſes ſhall be erected and compleated, and alſo all and every the duties granted in or by all or any the letters patent in the ſaid recited act mentioned or referred to, or by the ſaid act continued, confirmed, or granted, together with the powers and authorities by the ſaid act, or letters patent, given or granted for demanding, collecting, and recovering the ſame, ſhall immediately veſt in the ſaid corporation of the *Trinity Houſe* of *Deptford Strond*, and their ſucceſſors, who may from time to time, appoint proper light-keepers, and other officers and ſervants, for the care and management of the ſaid temporary and new light-houſes, and alſo proper perſons to receive the ſame duties; and the ſaid corporation ſhall and may, and is hereby required and impowered, by and out of the three-fourth parts of the ſaid duties belonging to the ſaid *John Angell*, in the firſt place, to diſcharge and reimburſe to the ſaid corporations of the *Trinity Houſes* of *Deptford Strond* and *Hull*, and to him the ſaid *Leonard Thompſon*, all the expences which they have reſpectively been put to on the occaſions in the ſaid act mentioned, and which are, by the ſaid recited act, directed to be wholly borne and paid by the ſaid *John Angell*, together with intereſt for the ſame; and alſo by and out of the whole of the ſaid duties, to diſcharge and reimburſe to the ſaid corporations and *Leonard Thompſon* all the expences which they have reſpectively been put to in obtaining the ſaid recited act of parliament, as the ſame ſeveral expences have been aſcertained, ſettled, and allowed by the commiſſioners therein named, as herein-before mentioned;

and,

and, in the next place, to discharge, satisfy, and reimburse to the said *Leonard Thompson*, all such sum and sums of money as he shall have laid out and expended in, about, or incident to the said two temporary light-houses, together with the interest for the aforesaid several and respective sums of money; and after payment and satisfaction thereof, then to satisfy and reimburse to the said corporation of the *Trinity House* of *Deptford Strond* all such sum and sums of money as the said corporation hath already or shall hereafter expend or be put unto in maintaining and repairing, and also in the management and care of the said temporary lights, and in the erecting and compleating the said two new light-houses, and all charges and expences incident thereunto respectively, together with interest of the same; and also the expences of soliciting and obtaining this present act: and from and after full satisfaction of all and every the sums of money, charges, and expences herein-before mentioned and enumerated, and hereby intended and directed to be paid by receipt of the said duties, and also after payment of the charges and expences of collecting the same, then the power of the receiver or receivers to be appointed by the said corporation shall cease and determine, and the said duties shall from thenceforth re-vest in the said *John Angell* and *Leonard Thompson* respectively, according to their proportionate shares and interests therein, or in the persons for the time being intitled to the same, together with the powers and authorities by the said act granted for demanding, collecting, and recovering the same.

and after satisfaction of all money due, light-houses, &c. to be revested in the former proprietors.

II. Provided always, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for the said corporation of the *Trinity House* of *Deptford Strond*, until such time as the said two new light-houses shall be compleatly erected, and lights placed therein, from time to time, in case of absolute necessity, to alter, or remove the said new light-houses, or either of them, and for any of the purposes aforesaid, to enter upon and use such part or parts of the land at or near the *Spurn Point*, be it the soil or ground of the King's most excellent majesty, his heirs or successors, or of any other person or persons, bodies politick, corporate or collegiate; and that the charges and expences of such alterations or removal of the said new light-houses, and in the mean time of erecting temporary lights, if the same shall be found necessary, shall and may be detained, from time to time, by the said corporation, out of all or any part of the said duties, in manner aforesaid.

Light-houses to be altered in case of necessity.

III. Provided also, and it is hereby further enacted and declared, That if after the said new light-houses shall have been built and compleated, and the same shall be re-vested in the said *Leonard Thompson* or *John Angell*, or either of them, or in any other person or persons intitled to their or either of their shares therein, the said new light-houses, shall at any time thereafter be out of repair, so as not to answer the purposes hereby intended, and shall not be put into sufficient repair and condition within the space of forty days, after giving or leaving notice

Provisions for future repairs.

tice or warning in writing from the ſaid corporation of the *Trinity Houſe* of *Deptford Strond* with the keeper or keepers of the ſaid light-houſes, requiring ſuch defects or wants of reparations to be remedied and amended; then, and from thenceforth, the ſaid corporation ſhall, and they are hereby required to cauſe the ſaid light-houſes to be repaired, and from thenceforth the ſaid duties hereby granted or continued, with the powers and authorities for demanding, collecting, and recovering the ſame, ſhall immediately again veſt in the ſame corporation who may, from time to time, appoint proper perſons to receive the ſame duties, and thereout reimburſe themſelves all the expences, coſts, and charges which they ſhall have ſuſtained in or about the repairing the ſaid light-houſes, and all other incident charges; and from and after payment and ſatisfaction thereof to the ſaid corporation, the power of the receiver or receivers ſo to be appointed as aforeſaid ſhall ceaſe and determine, and the ſaid duties ſhall thenceforth re-veſt in the ſaid *Leonard Thompſon* and *John Angell*, according to their proportionate ſhare or intereſt, or in the perſons for the time being intitled to the ſame, with the powers and authorities hereby granted for demanding, collecting, and recovering the ſame.

The duties ſhall be payable in the ſame manner as for the old light-houſes.

IV. And be it enacted by the authority aforeſaid, That the ſaid duties to be demanded and raiſed in reſpect to the light-houſes to be erected by virtue of this preſent or the ſaid former act, ſhall be demanded and payable in like manner, and to as full extent as the ſame were due and payable in reſpect of the ſaid former light-houſes, which have been pulled down and abated by virtue of the ſaid former act; any thing herein contained to the contrary notwithſtanding.

On payment by Mr. Angell or Mr. Thompſon to the Trinity Houſe their reſpective ſhares of expences, &c. the light-houſes to reveſt in either of them.

V. Provided always, and it is hereby further enacted, That in caſe either of them the ſaid *John Angell*, and *Leonard Thompſon*, or the perſon or perſons intitled to their reſpective ſhares of the ſaid light-houſes and duties, ſhall at any time pay and reimburſe to the ſaid corporation of the *Trinity Houſe* of *Deptford Strond*, his or their reſpective parts and proportions herein-before aſcertained of the ſeveral ſums charged upon the ſaid duties to be veſted in the ſaid corporation for the purpoſes herein-before directed, that then the ſaid light-houſes and duties ſhall, from thenceforth immediately re-veſt in either of them the ſaid *John Angell*, and *Leonard Thompſon*, or the perſon or perſons intitled as aforeſaid, according to their proportionate ſhares and intereſts in the ſaid light-houſes and duties, who ſhall have ſo paid his or their reſpective full ſhares and proportions of the ſaid ſums of mõney; any thing herein contained to the contrary notwithſtanding.

Mr. Thompſon impowered to mortgage, &c.

VI. *And whereas it would be unreaſonable that the proportion of the expences charged by the ſaid former and this preſent act, upon the fourth or ſuch other part of the ſaid light-houſes and duties, whereof the ſaid* Leonard Thompſon *is ſo tenant for life, ſhould be raiſed and paid out of or during his life eſtate therein in exoneration of the perſon or perſons who will be intitled to the ſame fourth part, expectant*

ant upon his deceaſe; be it therefore further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid *Leonard Thompſon*, and he is hereby fully authoriſed and impowered, by mortgage, grant, leaſe, or demiſe of the ſaid fourth or other part of the ſaid light-houſes and duties, and the reverſion and inheritance thereof, to borrow and raiſe any ſum or ſums of money ſufficient to pay and diſcharge, and not exceeding in the whole the amount of the ſaid ſeveral expences, to the payment whereof the ſaid fourth part is made chargeable, and ſubjected by the ſaid former and this preſent act; and ſuch mortgage or mortgages ſhall be valid and effectual to all intents and purpoſes, notwithſtanding the ſaid light-houſes and duties being inveſted in the ſaid corporation, and notwithſtanding the ſaid *Leonard Thompſon's* being only tenant for life as aforeſaid; ſo nevertheleſs that ſuch mortgage or mortgages ſhall not defeat or obſtruct, or be conſtrued to defeat or obſtruct, the purpoſes for which the ſaid duties are hereby directed to be veſted in the ſaid corporation of the *Trinity Houſe* of *Deptford Strond*; and ſo as every ſuch mortgage ſhall contain a proviſo, that the perſon or perſons who ſhall, upon the deceaſe of the ſaid *Leonard Thompſon*, become intitled to the reverſion or remainder of the ſame fourth or other part, ſhall not, on his, her, or their coming into poſſeſſion thereof, be liable to any larger arrear of intereſt than for one year preceding the time when the title to ſuch poſſeſſion ſhall accrue and commence; or in default of raiſing by mortgage as aforeſaid the amount of the ſaid ſeveral expences, whereto the ſaid *Leonard Thompſon's* ſaid fourth or other part of the ſaid light-houſes and duties is charged or ſubjected by the ſaid former or this preſent act, for the purpoſes herein-before enumerated, the ſame ſhall be a lien and charge upon the reverſion or remainder of the ſame fourth or other part, expectant on his deceaſe, and ſhall be payable to ſuch perſon or perſons as the ſaid *Leonard Thompſon* ſhall by deed or will, to be duly executed by him in the preſence of and atteſted by two or more credible witneſſes, direct and appoint, or in default thereof, to the executors or adminiſtrators of the ſaid *Leonard Thompſon*, at the end of ſix months next after his death, together with intereſt for the ſame, from the day of his deceaſe, by the perſon or perſons who ſhall thereupon become intitled to the reverſion or remainder of the ſame fourth or other part of the ſaid light-houſes and duties.

Saving Mr. Conſtable's rights.

VII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to prejudice *William Conſtable* eſquire, his heirs or aſſigns, or ſuch other perſon or perſons who now is or hereafter ſhall be owner or owners of the ſoil or ground whereon ſuch new-intended light-houſes, offices, or other conveniences, ſhall be built, with reſpect to the ſatisfaction and recompence made to him or them by the ſaid former act, nor to defeat, leſſen, or prejudice, the right, title, and intereſt, of the ſaid *William Conſtable*, his heirs or aſſigns, as lord or lords of the manor of *Kilnſea*, in the ſaid county,

county, or as lord or lords of the ſeigniory of *Holderneſs*; any thing herein contained to the contrary notwithſtanding.

Saving the rights of the corporation.

VIII. Provided alſo, and be it further enacted by the authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to prejudice, leſſen, or defeat, any of the powers, privileges, immunities, or juriſdictions of or belonging to the corporation of the *Trinity Houſe* of *Deptford Strond*.

Limitation of actions.

IX. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons for any thing done, or to be done, in purſuance of this act, that then, and in every ſuch caſe, the action or ſuit ſhall be brought within ſix calendar months next after the fact committed, and ſhall be laid in the county of *York*, and not elſewhere; and the defendant or defendants in ſuch action or ſuit

General iſſue.

ſo to be brought ſhall and may plead the general iſſue, and give this act, and the ſpecial matter, in evidence at any trial to be had thereupon: and if the plaintiff or plaintiffs ſhall become nonſuit, or ſhall diſcontinue his, her, or their action or actions, ſuit or ſuits, or if, upon demurrer, judgement ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants

Treble coſts.

ſhall and may recover treble coſts, and have ſuch remedy for the ſame as any defendant or defendants ſhall and may have in any caſes by law.

Publick act.

X. And be it further enacted by the authority aforeſaid, That this act ſhall be adjudged, deemed, and taken to be a publick act; and be judicially taken notice of as ſuch in all courts, and by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXX.

An act for the further augmentation of the ſalaries of the juſtices of Cheſter, *and the great ſeſſions for the counties in* Wales.

Preamble.

WHEREAS *it is highly reaſonable and expedient that a further augmentation ſhould be made to the ſalaries of the juſtices of* Cheſter, *and of the great ſeſſions for the counties in* Wales: *and whereas the ſeveral ſtamp-duties, granted by divers acts of parliament made in the thirty-ſecond year of the reign of his late majeſty King* George *the Second, and in the ſecond and fifth years of his preſent Majeſty's reign, and appropriated for the payment of the augmented ſalaries of the reſpective judges therein mentioned, have, for the laſt four years, produced annually a conſiderable ſurplus; and the ſame is, by the ſaid ſeveral acts, reſerved for the diſpoſition of parliament*; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the fifth day of *April*, one thouſand ſeven hundred and ſeventy-two, there ſhall be iſſued, paid, and applied, in every year, out of any of the ſurpluſſes which ſhall ariſe upon the ſeveral ſtamp-duties granted

Surplus ariſing from ſtamp-duties, granted by 32 Geo. 2. and 2 & 5 Geo. 3.

from April 2, 1772, to be applied as a further augmentation to the ſalaries of juſtices;

granted by the acts aforeſaid, after the payments already charged thereupon, ſhall, from time to time, have been ſatisfied, the ſums of money following to the ſeveral juſtices herein-after mentioned, as an addition to, and in further augmentation of, their reſpective ſalaries; that is to ſay, the annual ſum of three hundred pounds, to the chief juſtice of *Cheſter* for the time being; the annual ſum of two hundred pounds, to the ſecond juſtice of *Cheſter* for the time being; and to each of the juſtices for the time being of the great ſeſſions for the counties in *Wales*: which ſaid ſeveral and reſpective ſums of money ſhall be, and are hereby charged upon the ſurpluſſes of the ſeveral ſtamp-duties aforeſaid, and ſhall be paid thereout, in every year, at ſuch time or times, and in ſuch manner, as the ſalaries of the ſaid juſtices now are or have been uſed to be paid.

viz. 300l. *per Ann.* to the chief juſtice of Cheſter; 200l. *per Ann.* to the ſecond juſtice; and to every juſtice of the great ſeſſions of Wales; to be paid as uſual.

II. Provided always, and be it further enacted by the authority aforeſaid, That if the ſurpluſſes of the ſaid duties ſhall prove inſufficient, in any year, to make good and anſwer the ſums herein-before appointed to be paid and applied yearly, in further augmentation of the ſalaries of the ſaid juſtices; then, and in every ſuch year, a rateable abatement or deduction, in proportion to ſuch deficiency, ſhall be made out of the ſeveral annual ſums hereby directed and appointed to be paid for that year to ſuch juſtices reſpectively; and if any ſurplus ſhall remain, in any year, of the produce of the ſaid duties, after payment of the monies hereby charged thereon, the ſame ſhall be reſerved for the diſpoſition of parliament, in the ſame manner as it was directed to be reſerved before the making of this act.

If the ſurpluſſes prove inſufficient in any year, a rateable abatement to be made.

CAP. XXXI.

An act to indemnify ſuch perſons as have omitted to qualify themſelves for offices and employments; and to indemnify juſtices of the peace, or others, who have omitted to regiſter or deliver in their qualifications within the time limited by law, and for giving further time for thoſe purpoſes; and to indemnify members and officers, in cities, corporations, and borough towns, whoſe admiſſions have been omitted to be ſtamped according to law, or, having been ſtamped, have been loſt or miſlaid, and for allowing them time to provide admiſſions duly ſtamped, and to give further time to ſuch perſons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and ſolicitors.

WHEREAS *divers perſons, who, on account of their offices, places, employments, or profeſſions, or any other cauſe or occaſion, ought to have taken and ſubſcribed the oaths, or the aſſurance reſpectively appointed to be by ſuch perſons taken and ſubſcribed, in and by an act made in the firſt year of the reign of his late majeſty King* George *the Firſt, of glorious memory, intituled,* An act for the further ſecurity of his Majeſty's perſon and government, and the ſuc-

Preamble.

Perſons who have omitted to take the

oaths appointed by act 1 Geo. 1.

Act 13 Car. 2.

Act 25 Car. 2.

Act 30 Car. 2.

Act 8 Geo. 1.

Act 9 Geo. 2.

Act 18 Geo. 2.

and Act 6 Geo. 3.

ſucceſſion of the crown in the heirs of the late princeſs *Sophia*, being proteſtants; and for extinguiſhing the hopes of the pretended prince of *Wales*, and his open and ſecret abettors; *or to have qualified themſelves according to an act made in the thirteenth year of the reign of King* Charles *the Second, intituled*, An act for the well-governing and regulating corporations; *or to have qualified themſelves according to another act made in the twenty-fifth year of the reign of King* Charles *the Second, intituled*, An act for preventing the dangers which may happen from popiſh recuſants, by receiving the ſacrament of the Lord's ſupper, according to the uſage of the church of *England*, and making and ſubſcribing the declaration againſt tranſubſtantiation therein mentioned; *or according to another act, made in the thirtieth year of the reign of King* Charles *the Second, intituled*, An act for the more effectual preſerving the King's perſon and government, by diſabling papiſts from ſitting in either houſe of parliament; *or according to another act made in the eighth year of the reign of his late majeſty King* George *the Firſt, intituled*, An act for granting the people called *Quakers*, ſuch forms of affirmation or declaration as may remove the difficulties which many of them lie under; *or according to another act, made in the ninth year of the reign of his late majeſty King* George *the Second, intituled*, An act for indemnifying perſons who have omitted to qualify themſelves for offices within the time limited by law, and for allowing further time for that purpoſe; and for amending ſo much of an act, paſſed in the ſecond year of the reign of his preſent Majeſty, as requires perſons to qualify themſelves for offices before the end of the next term, or quarter-ſeſſions; and alſo for enlarging the time limited by law for making and ſubſcribing the declaration againſt tranſubſtantiation; and for allowing a further time for inrolment of deeds and wills made by papiſts; and for relief of proteſtant purchaſers, deviſees, and leſſees; *or according to another act made in the eighteenth year of the reign of his late majeſty King* George *the Second, intituled*, An act to amend and render more effectual an act paſſed in the fifth year of his preſent Majeſty's reign, intituled, *An act for the further qualification of juſtices of the peace; or according to another act made in the ſixth year of the reign of his preſent Majeſty, intituled*, An act for altering the oath of abjuration, and the aſſurance; and for amending ſo much of an act made in the ſeventh year of her late Majeſty Queen *Anne*, intituled, *An act for the improvement of the union of the two kingdoms*, as, after the time therein limited, requires the delivery of certain liſts and copies therein mentioned to perſons indicted of high treaſon, or miſpriſion of treaſon, *have, through ignorance of the law, abſence, or ſome unavoidable accident, omitted to take and ſubſcribe the ſaid oaths and aſſurance, and make and ſubſcribe the declaration required by law, or otherwiſe to qualify themſelves as aforeſaid, within ſuch time, and in ſuch manner, as in and by the ſaid acts reſpectively, or by any other act of parliament in that behalf made, is required, whereby they have incurred, or may be in danger of incurring, divers penalties and diſabilities: for quieting the minds of his*

his Majeſty's ſubjects, and for preventing any inconveniences that might otherwiſe happen by means of ſuch omiſſions; be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every perſon or perſons who, at or before the paſſing of this act, hath or ſhall have omitted to take and ſubſcribe the ſaid oaths and declarations, or to receive the ſacrament of the lord's ſupper, or otherwiſe to qualify him, her, or themſelves, within ſuch time, and in ſuch manner, as in and by the ſaid acts, or any of them, or by any other act of parliament in that behalf made is required; and who after accepting any ſuch office, place, or employment, or undertaken any profeſſion or thing on account of which ſuch qualification ought to have been had, and is required, before the paſſing of this act, hath or have taken and ſubſcribed the ſaid oaths, or made the declarations required by law, and alſo received the ſacrament of the Lord's ſupper, according to the uſage of the church of *England*, or who, on or before the twenty-fifth day of *December*, one thouſand ſeven hundred and ſeventy-three, ſhall take and ſubſcribe the ſaid oaths, declarations, and aſſurance reſpectively, in ſuch caſes wherein by law the ſaid oaths, declarations, and aſſurance, ought to have been taken or ſubſcribed, in ſuch manner and form, and at or in ſuch place or places, as are appointed in and by the ſaid act made in the firſt year of the reign of his ſaid late majeſty King *George* the Firſt, or by any other act or acts of parliament in that behalf made and provided, and alſo hath or have received, or ſhall, on or before the ſaid twenty-fifth day of *December*, one thouſand ſeven hundred and ſeventy three, receive the ſacrament of the Lord's ſupper according to the uſage of the church of *England*, in ſuch caſes wherein the ſaid ſacrament ought to have been received, and hath or have made and ſubſcribed, or ſhall, on or before the ſaid twenty-fifth day of *December*, one thouſand ſeven hundred and ſeventy-three, make and ſubſcribe the ſaid declaration againſt tranſubſtantiation, and alſo hath or have made and ſubſcribed, or ſhall, on or before the ſaid twenty-fifth day of *December*, one thouſand ſeven hundred and ſeventy-three, make and ſubſcribe the ſaid declaration, in the ſaid ſtatute made in the thirtieth year of King *Charles* the Second, in ſuch caſes wherein the ſaid declarations ought to have been made and ſubſcribed, and take and ſubſcribe the oath directed by the ſaid act made in the eighteenth year of the reign of his late majeſty King *George* the Second, in ſuch caſes wherein the ſaid oath ought to have been taken and ſubſcribed, in ſuch manner as by the ſaid act is directed, ſhall be, and are hereby indemnified, freed, and diſcharged, from and againſt all penalties, forfeitures, incapacities, and diſabilities incurred, or to be incurred, for or by reaſon of any neglect or omiſſion, previous to the paſſing of this act, of taking or ſubſcribing the ſaid oaths or aſſurance, or receiving the ſacrament, or making or ſubſcribing the ſaid declarations, or taking or ſubſcribing the

not qualifying before the paſſing of this act,

or before Dec. 25, 1773,

indemnified againſt forfeitures.

ſaid oath, according to the above-mentioned acts, or any of them, or any other act or acts; and ſuch perſon and perſons is, and are, and ſhall be fully and actually recapacitated and reſtored to the ſame ſtate and condition, as he, ſhe, or they were in before ſuch neglect or omiſſion, and ſhall be deemed and adjudged to have duly qualified him, her, or themſelves, according to the above-mentioned acts, and every of them: and that all elections of, and acts done, or to be done, by any ſuch perſon or perſons, or by authority derived from him, her, or them, are and ſhall be of the ſame force and validity, as the ſame or any of them would have been if ſuch perſon or perſons reſpectively had taken the ſaid oaths or aſſurance, and received the ſacrament of the Lord's ſupper, and made and ſubſcribed the ſaid declarations, and taken and ſubſcribed the ſaid oath, according to the direction of the ſaid acts, and every or any of them; and that the qualification of ſuch perſon or perſons, qualifying themſelves in manner, and within the time appointed by this act, ſhall be, to all intents and purpoſes, as effectual as if ſuch perſon or perſons had reſpectively taken the ſaid oaths and aſſurance, and received the ſacrament, and made and ſubſcribed the ſaid declaration, and taken and ſubſcribed the ſaid oath within the time, and in the manner appointed by the ſeveral acts before mentioned.

Not to indemnify any perſon for any penalty incurred by neglecting to qualify himſelf.

II. Provided always, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to extend, to indemnify any perſon againſt whom final judgement ſhall have been given, in any action of debt, bill, plaint, or information, in any of his Majeſty's courts of record, for any penalty incurred by having neglected to qualify himſelf within the time limited by law.

Perſons producing appointments and admiſſions before Dec. 25, 1773,

III. *And whereas the appointments of divers clerks of the peace, town clerks, and other publick officers, and the admiſſions of divers members, and officers of cities, corporations, and borough towns, or the entries of ſuch admiſſions in the court books, rolls, or records of ſuch cities, corporations, and borough towns, which by ſeveral acts of parliament are directed and required to be ſtamped, may not have been provided, or the ſame not duly ſtamped, or may have been loſt or miſlaid*; be it further enacted by the authority aforeſaid, That, for the relief of ſuch perſons whoſe appointments and admiſſions, or the entries of whoſe admiſſions as aforeſaid may not have been provided, or not duly ſtamped, or where the ſame have been loſt or miſlaid, it ſhall and may be lawful to and for ſuch perſons, on or before the twenty-fifth day of *December*, one thouſand ſeven hundred and ſeventy-three, to provide, or cauſe to be provided, appointments and admiſſions, or entries of admiſſions as aforeſaid, duly ſtamped; or, in caſe where ſuch appointments, admiſſions, or entries of admiſſions, as aforeſaid, have been made or provided, but have not been duly ſtamped, to produce ſuch appointments, admiſſions, or entries of admiſſions as aforeſaid, to the commiſſioners appointed to inſpect and manage the revenues of the ſtamp-duties to be duly ſtamped;

ed; which ſuch commiſſioners are hereby authoriſed, impowered, and required to duly ſtamp, on payment of the duties firſt payable, or to have been paid on ſuch appointments, admiſſions, or entries of admiſſions, as aforeſaid, without any fine or forfeiture thereon; and ſuch perſons ſo providing appointments, admiſſions, or entries of admiſſions, as aforeſaid, duly ſtamped, or procuring the ſame to be duly ſtamped in manner aforeſaid, are and ſhall be hereby confirmed and qualified to act as clerk of the peace, town clerk, or other publick officer, or member or members, officer or officers, of ſuch cities, corporations, and borough towns reſpectively, to all intents and purpoſes, and ſhall and may hold and enjoy, and execute ſuch offices, or any other office or offices, into which he or they hath or have been elected, notwithſtanding his or their omiſſion, or the omiſſion of any of their predeceſſors, in ſuch cities, corporations, or borough towns as aforeſaid, and ſhall be indemnified and diſcharged of and from all incapacities, diſabilities, forfeitures, penalties, and damages, by reaſon of any ſuch omiſſion; and none of his or their acts ſhall be queſtioned or avoided by reaſon of the ſame.

ſhall be confirmed, and qualified to act as clerk, officer, or member of corporations, &c. may enjoy all offices into which they have been elected; and ſhall be indemnified, from all penalties and damages incurred by reaſon of omiſſions.

IV. Provided always, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to extend, to reſtore or intitle any perſon or perſons to any office or employment, benefice, matter, or thing whatſoever, already actually avoided by judgement of any of his Majeſty's courts of record, or already legally filled up and enjoyed by any other perſon; but that ſuch office, employment, benefice, matter, or thing ſo avoided, or legally filled up and enjoyed, ſhall be and remain in and to the perſon or perſons who is or are now, or ſhall, at the paſſing of this act, be legally intitled to the ſame, as if this act had never been made.

Not to extend to reſtore perſons to any office avoided by judgement.

V. *And whereas many perſons have omitted to cauſe affidavits to be made, and afterwards to be filed in the proper office, of the actual execution of ſeveral contracts in writing entered into by them to ſerve as clerks to attornies or ſolicitors, within the time in which the ſame ought to have been done, and many infants, and others, may thereby incur certain diſabilities; for preventing thereof, and relieving ſuch perſons*, be it enacted by the authority aforeſaid, That every perſon who, at the paſſing of this act, ſhall have neglected or omitted to cauſe any ſuch affidavit or affidavits as aforeſaid to be made and filed, and who, on or before the firſt day of *Michaelmas* term, one thouſand ſeven hundred and ſeventy-two, ſhall cauſe one or more affidavit or affidavits to be made, and afterwards to be filed, in ſuch manner as the ſame ought to have been made and filed in due time, ſhall be, and is hereby indemnified, freed, and diſcharged, from and againſt all penalties, forfeitures, incapacities, and diſabilities, in or by any act or acts of parliament mentioned and incurred, or to be incurred, for or by reaſon of ſuch neglect or omiſſion; and every ſuch affidavit and affidavits ſo to be made, and which ſhall be duly filed on or before the ſaid firſt day of *Michaelmas* term, one thouſand ſeven hun-

Perſons who ſhall cauſe affidavits to be filed before Michaelmas, 1772,

are indemnified, and diſcharged from penalties.

hundred and ſeventy-two, ſhall be as effectual, to all intents and purpoſes, as if the ſame had been made and filed within the reſpective times the ſame ought, by the laws now in being for that purpoſe, to have been made and filed.

Perſons paying the rates and duties on indentures, &c. before Sept. 29, 1772, to be free of all penalties.

VI. *And, for the relief of any perſon or perſons who through neglect or inadvertency have omitted to pay the ſeveral rates and duties, or any part thereof, upon monies given, paid, contracted, or agreed for, with or in relation to any clerks, apprentices, or ſervants, who have been put or placed to or with any maſter or miſtreſs to learn any profeſſion, trade, or employment; and to have ſuch indentures, or other writings, which contain the covenants, articles, contracts, or agreements, relating to the ſervice of ſuch clerk, apprentice, or ſervant, ſtamped within the times by the ſeveral acts of parliament, for thoſe purpoſes reſpectively limited; or who have alſo in like manner omitted to inſert and write, in words in length, in ſuch indentures, or other writings, as aforeſaid, the full ſum or ſums of money, or any part thereof received, or in any-wiſe directly or indirectly given, paid, or agreed, or contracted for, with or in relation to every ſuch clerk, apprentice, or ſervant, as aforeſaid*; be it enacted, That upon payment of the rates and duties upon monies, or ſuch part of ſuch monies ſo neglected or omitted to be paid as aforeſaid, on or before the firſt day of *September*, one thouſand ſeven hundred and ſeventy-two, to ſuch perſon or perſons to whom the ſame ought to be paid, and tendering the ſaid indentures, or other writings, to be ſtamped at the ſame time, or at any time on or before the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-two, (of which timely notice is to be given in the *London Gazette*,) the ſame indentures, or other writings, ſhall be good and available in law or equity, and may be given in evidence in any court whatſoever; and the clerks, apprentices, or ſervants, therein named, ſhall be capable of following and exerciſing their reſpective intended trade or employment, as fully as if the ſaid rates and duties ſo omitted had been duly paid, and the full ſum or ſums received or agreed for as aforeſaid had been inſerted; and the perſons who have incurred any penalties by the omiſſions aforeſaid, ſhall be acquitted and diſcharged of and from the ſaid penalties, (except ſuch perſons againſt whom any proceſs has been already commenced;) any thing in the ſaid former acts to the contrary notwithſtanding.

Perſons proſecuted and hereby meant to be indemnified, may plead the general iſſue.

VII. And be it further enacted, That in caſe any action, ſuit, bill of indictment, or information, ſhall, from and after the paſſing of this act, be brought, carried on, or proſecuted againſt any perſon or perſons hereby meant or intended to be indemnified, recapacitated, or reſtored, for or on account of any forfeiture, penalty, incapacity, or diſability whatſoever, incurred, or to be incurred, by any ſuch neglect or omiſſion, ſuch perſon or perſons may plead the general iſſue, and upon their defence give this act, and the ſpecial matter, in evidence, upon any trial to be had thereupon.

CAP.

CAP. XXXII.

An act for allowing the free importation of rice into this kingdom, from any of his Majesty's colonies in America, *for a limited time.*

Preamble.

WHEREAS *the allowing the free importation of rice from any of his Majesty's colonies in* America *into* Great Britain *for a limited time, may be of great advantage*; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any person or persons to import into *Great Britain*, from any of his Majesty's colonies in *America*, at any time or times before the first day of *May*, one thousand seven hundred and seventy-three, any rice without the payment of any subsidy, custom-duty, or imposition whatsoever, any thing in any former act or acts of parliament to the contrary thereof in any wise notwithstanding.

Rice may be imported duty free, any time before May 1, 1773.

II. And be it further enacted by the authority aforesaid, That for and upon all rice which shall be imported into this kingdom duty-free by virtue of this act, and which shall be again exported thereout, there shall be paid and answered to his Majesty, his heirs and successors, a subsidy of poundage of sixpence in the pound, according to the value or rate set upon rice imported, in the book of rates, referred to by the act of the twelfth year of King *Charles* the Second; which said subsidy of sixpence in the pound, upon such rice so exported, shall be raised, levied, collected, and recovered, by such ways and means, and under such rules, regulations, penalties, and forfeitures, as the subsidy or poundage, for any goods or merchandise exported from *Great Britain*, may be raised, levied, collected, or recovered, by any act of parliament now in force, as fully and effectually to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures relating thereto, were particularly repeated, and again enacted in the body of this present act.

Subsidy of 6d. *per* pound on all rice imported, to be paid, according to the value thereof,

to be levied as the subsidy of poundage on other goods.

III. And be it further enacted by the authority aforesaid, That the said duties granted by this act upon rice exported, shall (the necessary charges of management excepted) be paid into the receipt of his Majesty's exchequer, and be there reserved for the disposition of parliament.

Duties hereby granted to be paid into the receipt of exchequer.

CAP. XXXIIII.

An act for allowing the importation of wheat, wheat flour, rye, rye meal, and Indian *corn, into this kingdom, for a limited time, free of duty.*

Preamble.

WHEREAS *the importation of wheat and wheat flour, rye, and rye meal, from any part of* Europe, *or from any of his Majesty's colonies in* America, *and also the importation of* Indian *corn, from any of his Majesty's colonies in* America, *into this kingdom, for a limited time, free of duty, may be advantageous to his Majesty's subjects*; may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons whatsoever, to import into *Great Britain*, in any ship or vessel whatsoever, at any time or times before the first day of *December*, one thousand seven hundred and seventy-two, any wheat, wheat flour, rye, and rye meal, from any part of *Europe*, or from any of his Majesty's colonies in *America*; and also any *Indian* corn, from any of his Majesty's colonies in *America*, into *Great Britain*, without the payment of any subsidy, custom, duty, or imposition whatsoever; and may also be carried coastwise, under such regulations as wheat and wheat flour, rye, and rye meal, of the growth of this kingdom, are now allowed to be carried coastwise, at all times before the said first day of *December*, one thousand seven hundred and seventy-two; any thing in any former or other act or acts of parliament to the contrary thereof in any wise notwithstanding.

Flour, rye, and rye meal, may be imported, without payment of duty, at any time before Dec. 1, 1772, from any part of Europe or America.

Due entry to be made at the custom-house belonging to the port into which the same shall be imported,

on penalty of being made liable to the usual duty formerly paid.

II. Provided always, and be it further enacted by the authority aforesaid, That a due entry shall be made, in such manner and form as were used or practised before the making of this act, of all wheat, wheat flour, rye, and rye meal, and *Indian* corn, which shall be imported or brought into this kingdom, by virtue of this act, before the said first day of *December*, one thousand seven hundred and seventy-two, at the custom-house belonging to the port into which the same shall be imported or brought in; or otherwise, in default of making such entry, such wheat, wheat flour, rye, and rye meal, and *Indian* corn, shall be liable and subject to such and the same duties as were payable upon the importation thereof before the making of this act; any thing herein contained to the contrary notwithstanding.

CAP. XXXIV.

An act to amend an act of the tenth year of the reign of his present Majesty, for building a workhouse in the parish of Saint Martin in the Fields, within the city of Westminster, in the county of Middlesex.

CAP.

CAP. XXXV.

An act for enabling their Majesties to enfranchise copyhold lands holden of the manor of Richmond, *in the county of* Surrey, *and for enabling his Majesty to shut up a lane leading from* Richmond Green *to the river* Thames, *and to sell and exchange certain lands within the manors of* Richmond *and* Wimbleton.

Preamble.

WHEREAS *his Majesty, being seised in right of his crown of the manor of* Sheene, *otherwise* West Sheene, *otherwise* Richmond, *in the county of* Surrey, *did, by letters patent under the great seal, bearing date the fourth day of* October, *in the tenth year of his reign, grant the said manor to his royal consort Queen* Charlotte, *during the term of her natural life, at the ancient reserved yearly rent of twenty pounds: And whereas it may be convenient to their Majesties to enfranchise the copyhold estates, holden of the said manor, but such enfranchisement cannot be made without the aid of parliament: And whereas his Majesty, in right of his crown, or some person or persons in trust for his Majesty, is or are seised of a farm consisting of a messuage, out-buildings, and thirty-eight acres of land or thereabouts, situate within the manor of* Wimbleton, *in the said county of* Surrey; *and it would be convenient to his Majesty to have a power of selling or exchanging the said farm, and also divers estates belonging to his Majesty in the said manor of* Sheene, *otherwise* West Sheene, *otherwise* Richmond, *for other estates more conveniently situate*; be it therefore enacted by the King's most excellent majesty, by and with the consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall be lawful for their Majesties, and the survivor of them, at any time or times, during their lives, and the life of the survivor of them, by any writing or writings to be by their Majesties, or the survivor of them, subscribed, in the presence of two or more witnesses, to enfranchise all or any copyhold messuages, lands, tenements, or hereditaments, holden of the said manor of *Sheene*, otherwise *West Sheene*, otherwise *Richmond*, and to acquit and discharge the same messuages, lands, tenements, and hereditaments, and the respective tenants thereof, of and from all copyhold or customary tenure, rents, and services whatsoever; and such messuages, lands, tenements, or hereditaments, shall, from the respective times of such enfranchisement, be, and be deemed freehold estates, holden of the same manor, any statute or law to the contrary thereof notwithstanding.

Their Majesties may, at any time during their lives, enfranchise copyhold messuages, &c. holden of the manor of Richmond.

II. Provided always, and be it further enacted by the authority aforesaid, That every instrument of enfranchisement made by virtue of this act, shall, at one of the two general courts baron which shall be holden for the aforesaid manor of *Sheene*, otherwise *West Sheene*, otherwise *Richmond*, next after the date of such enfranchisement, be duly presented and entered on the court rolls

Instruments of enfranchisements, by virtue hereof, to be, at one of the general courts baron holden at Richmond, duly entered on the court rolls;

and, within 6 months after date enrolled before the King's auditor of Surrey; or ſhall be otherwiſe void.

rolls or books of the ſaid manor: And alſo within the ſpace of ſix months after the day of the date of ſuch enfranchiſement, be inrolled before the King's auditor of the county of *Surrey* for the time being, or his deputy, and not being ſo preſented, entered, and inrolled, within the reſpective times aforeſaid, ſhall be void, and of none effect.

His majeſty, during his life, may ſell any freehold, &c. within the manor of Richmond, in which he is ſeiſed, or exchange any part thereof.

III. And be it further enacted by the authority aforeſaid, That it ſhall be lawful for his Majeſty, at any time or times during his life, to make ſale of all or any of the freehold or copyhold meſſuages, lands, and hereditaments, of which his Majeſty, or any perſon or perſons in truſt for his Majeſty, are or is now ſeiſed within the aforeſaid manors of *Wimbleton* and *Sheene*, otherwiſe *Weſt Sheene*, otherwiſe *Richmond*, or either of them, for ſuch price or prices as can be obtained for the ſaid freehold or copyhold eſtates, or to exchange the ſame, or any part thereof, for the fee-ſimple and inheritance of any other freehold or copyhold meſſuages, lands, or hereditaments, as to his Majeſty ſhall, from time to time, ſeem moſt convenient; any ſtatute or law to the contrary thereof in any wiſe notwithſtanding.

All ſums ariſing from the ſales of ſaid eſtates, to be paid to the chancellors of the exchequer.

IV. Provided always, and be it further enacted by the authority aforeſaid, That all ſums of money which ſhall be raiſed by any ſale or ſales of his Majeſty's aforeſaid eſtates within the ſaid manors of *Wimbleton* and *Sheene*, otherwiſe *Weſt Sheene*, otherwiſe *Richmond*, or of any part thereof, ſhall be paid to the chancellor of his Majeſty's exchequer, for the time being, and ſhall, with all convenient ſpeed, be laid out and applied by order of his Majeſty, his heirs or ſucceſſors, in the purchaſe of the fee-ſimple and inheritance of ſuch freehold and copyhold lands or tenements, as to his Majeſty, his heirs or ſucceſſors, ſhall ſeem convenient, to be conveyed and aſſured to the uſe of, or in truſt for, his Majeſty, his heirs and ſucceſſors.

After the paſſing hereof, the lane leading from Richmond Green to the Thames, to be ſhut up.

V. *And whereas there is at preſent a lane or foot-path leading from the* Green *in* Richmond *to the ſide of the river* Thames, *which lane divides certain grounds within the ſaid manor belonging to their Majeſties, which lane might be ſhut up without any inconvenience to the inhabitants within the ſaid manor, there being another lane leading from the ſame* Green *to the river ſide called* Palace Lane: *And whereas it would be a great improvement to the ſaid grounds if the firſt-mentioned lane or foot-path was ſhut up: And whereas the King's moſt excellent majeſty hath been graciouſly pleaſed to ſignify his royal intention of cauſing* Palace Lane *to be amended and kept in good repair for the future, and alſo to cauſe to be raiſed, made, and to be kept in good repair a foot-path and towing-path from the end of the ſaid lane, along the ſide of the ſaid river, to two ferries belonging to his Majeſty, one called* Railhead Ferry, *and the other* Iſleworth Church Ferry, *which will be advantageous to perſons having occaſion to paſs from the ſaid green to the ſaid ferries*; be it therefore enacted by the authority aforeſaid, That, from and after the paſſing of this act, it ſhall and may be lawful to and for his Majeſty, his heirs and ſucceſſors, at his and their coſts and charges, to

cauſe the lane or foot-path from the houſe now in the occupation of *Lewis Shepheard* wine-merchant, near *Richmond Green* aforeſaid, to the ſide of the river *Thames*, to be ſhut up and diſcontinued; and it ſhall not be lawful for any perſon or perſons, at any time after the paſſing of this act, to make uſe of the ſaid lane or foot-path, or any part thereof, on foot, or otherwiſe, from the ſaid houſe in the occupation of the ſaid *Lewis Shepheard* to the ſide of the river *Thames*; any right, claim, uſage, or cuſtom, to the contrary thereof in any wiſe notwithſtanding.

Palace Lane to be amended by his Majeſty, at his own charges, &c.

VI. Provided, That the King's moſt excellent majeſty do and ſhall, at his own proper coſts and charges, cauſe the ſaid lane called *Palace Lane* from *Richmond Green* aforeſaid, to the ſide of the river *Thames*, to be well and ſufficiently amended and made commodious; and alſo do and ſhall cauſe a convenient foot-path and towing-path to be raiſed and made from the end of the ſaid *Palace Lane*, next the river *Thames*, along the ſide of the ſaid river, to the ſaid ferries called *Railhead Ferry* and *Iſleworth Church Ferry*; and that his Majeſty, his heirs and ſucceſſors, or any perſon or perſons claiming by, from, or under, or in truſt for his Majeſty, his heirs and ſucceſſors, who ſhall, for the time being reſpectively, hold, occupy, poſſeſs, or enjoy *Richmond* lodge, park, and gardens, do and ſhall keep the ſaid *Palace Lane* from *Richmond Green* to the ſide of the river *Thames*, and alſo the foot-path and towing-path along the ſide of the ſaid river, from the end of the ſaid *Palace Lane* to the ſaid ferries, in ſuch good and ſufficient repair as that the ſame ſhall be convenient at all times hereafter for paſſengers on foot, and that the ſaid foot-way along the ſide of the ſaid river ſhall and may be uſed as a towing-path by perſons on foot, towing and haling barges, boats, and other veſſels along the ſaid river.

CAP. XXXVI.

An act for compleating a building intended for a new church or chapel at Richmond, near Everton, in the county palatine of Lancaſter; and for other purpoſes.

CAP. XXXVII.

An act for draining and preſerving certain commons, low grounds, and cars in the pariſh of Market Weighton, and other adjacent pariſhes in the eaſt riding of the county of York; and for making a navigable cut or canal from Market Weighton to the river Humber,

CAP. XXXVIII.

An act for paving, cleanſing, lighting, watching, and regulating the ſquares, ſtreets, rows, lanes, alleys, and other publick paſſages and places, within the pariſh of Chriſt Church, in Middleſex; and for removing nuiſances and obſtructions therefrom.

CAP.

CAP. XXXIX.

An act for raiſing a certain ſum of money by loans or exchequer bills, for the ſervice of the year one thouſand ſeven hundred and ſeventy-two.

Moſt gracious Sovereign,

Preamble. WE *your Majeſty's moſt dutiful and loyal ſubjects, the commons of* Great Britain, *in parliament aſſembled, towards raiſing the neceſſary ſupplies which we have chearfully granted to your Majeſty in this ſeſſion of parliament, have reſolved to give and grant unto your Majeſty the ſum herein-after mentioned*; and do therefore moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the commiſſioners of his Majeſty's treaſury now or for the time being, or any three or more of them, or the high treaſurer for the time being, at any time or times before the fifth day of *January*, one thouſand ſeven hundred and ſeventy-three, to cauſe or direct any loans to be taken or received at his Majeſty's exchequer from any perſon or perſons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there for any ſum or ſums of money, not exceeding, in loans and exchequer bills together, in the whole, the ſum of one million eight hundred thouſand pounds, in the ſame or like manner, form, and order, and according to the ſame or like rules and directions as in and by an act of this preſent ſeſſion of parliament, intituled, *An act for continuing and granting to his Majeſty certain duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and ſeventy-two*, are enacted and preſcribed concerning the loans or exchequer bills to be taken or made in purſuance of the ſaid act.

Commiſſioners of the treaſury to raiſe 1,800,000l. by loans on exchequer bills, before Jan. 5, 1773,

in manner as by the malt act of this ſeſſion is preſcribed, with reſpect to loans on exchequer bills thereby authoriſed to be taken or made.

The clauſes in the ſaid act relating to loans or bills,

II. And be it further enacted by the authority aforeſaid, That all and every the clauſes, proviſoes, powers, privileges, advantages, penalties, forfeitures, and diſabilities, contained in the ſaid laſt-mentioned act, relating to the loans or exchequer bills authoriſed to be made by the ſame act, (except ſuch clauſes as do charge the ſame on the taxes granted by the ſame act, and except ſuch clauſes as limit the rate of intereſt to be paid for the forbearance of money lent on the credit of the ſaid act, and alſo except as is herein-after mentioned,) ſhall be applied and extended to the loans and exchequer bills to be made in purſuance of this act, as fully and effectually to all intents and purpoſes, as if the ſame loans or exchequer bills had been originally authoriſed by the ſaid laſt-mentioned act, or as if the ſaid ſeveral clauſes or proviſoes had been particularly repeated and re-enacted in the body of this act.

extended to this act.

III. Provided always, and be it further enacted by the autho-

rity aforeſaid, That no exchequer bill or bills to be made out by virtue of this act, ſhall, after the ſame hath or have been iſſued at the exchequer, be afterwards, at any time before the ſixth day of *April*, one thouſand ſeven hundred and ſeventy-three, received or taken, or paſs or be current, to any receiver or collector in *Great Britain*, of the cuſtoms, exciſe, or any revenue, ſupply, aid, or tax whatſoever, due or payable to his Majeſty, his heirs or ſucceſſors, or at the receipt of the exchequer from any ſuch receiver or collector, or from any other perſon or perſons, bodies politick or corporate, otherwiſe or on any other account than for the diſcharge and cancelling of ſuch bills in caſe the ſame ſhall be, in due courſe or order of payment, before the ſaid ſixth day of *April*; nor ſhall any ſuch receiver or collector exchange, at any time, before the ſaid ſixth day of *April*, for any money of ſuch revenues, aids, taxes, or ſupplies, in his hands, any exchequer bill or bills which ſhall have been iſſued as aforeſaid by virtue of this act; nor ſhall any action be maintained againſt any ſuch receiver or collector, for neglecting or refuſing to exchange any ſuch bill or bills for ready money before the ſaid ſixth day of *April*; any thing in the ſaid act made in this preſent ſeſſion of parliament, intituled, *An act for continuing and granting to his Majeſty certain duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and ſeventy-two*, or this act, contained to the contrary notwithſtanding.

Exchequer bills ſo iſſued, not to be received again in payment of any taxes,

nor exchanged before April 6, 1773.

Action not to lie for ſuch refuſal.

IV. And be it further enacted by the authority aforeſaid, That all ſuch loans or exchequer bills, together with the intereſt, premium, rate, and charges, incident to or attending the ſame, ſhall be, and are hereby charged and chargeable upon, and ſhall be repaid or borne by or out of the firſt aids or ſupplies which ſhall be granted in the next ſeſſion of parliament; and in caſe ſufficient aids or ſupplies for that purpoſe ſhall not be granted before the fifth day of *July*, one thouſand ſeven hundred and ſeventy-three, then all the ſaid loans or exchequer bills, with the intereſt, premium, rate, and charges, incident to or attending the ſame, ſhall be, and are hereby charged and chargeable upon ſuch monies as, at any time or times at or after the ſaid fifth day of *July*, ſhall be or remain in the receipt of the exchequer of the ſurpluſſes, exceſſes, overplus monies, and other revenues compoſing the fund commonly called *The Sinking Fund*, (except ſuch monies of the ſaid ſinking fund as are appropriated to any particular uſe or uſes by any act or acts of parliament in that behalf;) and ſuch monies of the ſaid ſinking fund ſhall and may be iſſued and applied, as ſoon as the ſame can be regularly ſtated and aſcertained, for and towards paying off, cancelling, and diſcharging ſuch loans or exchequer bills, intereſt, premium, rate, or charges until the whole of them ſhall be paid off, cancelled, and diſcharged, or money ſufficient for that purpoſe be kept and reſerved in the exchequer, to be payable on demand to the reſpective proprietors thereof.

Money ſo raiſed to be repaid out of the next parliamentary aid;

and if none be granted before July 5, 1773, to be charged on the ſinking fund.

V. Provided always, and be it enacted by the authority aforeſaid, That whatever monies ſhall be ſo iſſued out of the ſaid ſurpluſſes,

Monies ſo iſſued to be replaced out of the firſt ſupplies.

pluſſes, exceſſes, overplus monies, or other revenues compoſing the ſinking fund, ſhall, from time to time, be replaced by and out of the firſt ſupplies to be then after granted in parliament; any thing herein contained to the contrary notwithſtanding.

Bank of England authoriſed to advance the ſaid ſum on the credit of this act;

VI. And be it declared and further enacted by the authority aforeſaid, That it ſhall and may be lawful for the governor and company of the bank of *England* to advance or lend to his Majeſty in like manner, at the receipt of the exchequer, upon the credit of loan granted by this act, any ſum or ſums of money, not exceeding in the whole the ſum of one million eight hundred thouſand pounds; any thing in an act made in the fifth and ſixth years of the reign of King *William* and Queen *Mary*, intituled, *An act for granting to their Majeſties ſeveral rates and duties upon tonnage of ſhips and veſſels; and upon beer, ale, and other liquors; for ſecuring certain recompences and advantages in the ſaid act mentioned, to ſuch perſons as ſhall voluntarily advance the ſum of one million five hundred thouſand pounds, towards carrying on the war againſt* France; to the contrary thereof in anywiſe notwithſtanding.

Act 5 & 6 Gul. & Mariæ notwithſtanding.

CAP. XL.

An act for amending and rendering more effectual an act, made in the tenth year of his Majeſty's reign, intituled, An act for building a new pariſh church, and declaring the preſent pariſh church a chapel; for making a cœmetery or church-yard; and for building an houſe for the uſe of the miniſter of the pariſh of Saint Mary le Bone, in the county of Middleſex.

CAP. XLI.

An act for building a bridge over the river Thames, near the town of Maidenhead, in the county of Berks.

CAP. XLII.

An act for ſettling and determining what parts of the precinct of the Savoy, *in the county of* Middleſex, *ſhall be under the ſurvey of the court of exchequer, and what parts thereof under the ſurvey of the ducky of* Lancaſter.

Preamble.

WHEREAS *within the liberty of the* Savoy, *parcel of the poſſeſſions of the duchy of* Lancaſter, *in the county of* Middleſex, *there is a certain place or piece of ground, formerly the ſcite of the manor of the* Savoy, *and now commonly known by the name of* The precinct of the Savoy, *being heretofore parcel of the poſſeſſions of the ſaid duchy: And whereas by certain letters patent, under the ſeal of the ſaid duchy of* Lancaſter, *bearing date the third day of* April, *in the ſecond year of the reign of King* Henry *the Eighth, the ſaid King granted and confirmed the ſaid place or piece of ground, (by the deſcription of the ſcite of the manor of the* Savoy, *or a certain place or piece of ground called* The Savoy, *parcel of the duchy of* Lancaſter, *lying in the pariſhes of* Saint Clement Danes, *without the bars of the* New Temple, London, *and the* Bleſſed Mary le Strand, *in the county of* Middleſex, *abutting as therein is mentioned,) unto the executors of the will of King* Henry *the Seventh, their heirs, and aſſigns, for ever, to the intent they might erect, found, and eſtabliſh an hoſpital*

hoſpital thereon: And whereas an hoſpital was, in purſuance thereof, afterwards erected, founded, and eſtabliſhed on the ſaid place or piece of ground, which afterwards became veſted in the maſter and perpetual chaplains of the hoſpital of the Savoy: *And whereas upon a viſitation of the ſaid hoſpital, by ſir* Nathan Wright, *lord keeper of the great ſeal of* England, *on or about the thirty-firſt day of* July, *one thouſand ſeven hundred and two, the ſaid lord keeper declared the ſaid hoſpital to be diſſolved, and certified the ſame unto the then lord high treaſurer of* England, *and the barons of the exchequer, and thereupon the ſaid place or piece of ground was duly put in charge for the benefit of the crown: And whereas a doubt hath ariſen in point of law, whether the ſaid place or piece of ground, upon the diſſolution of the ſaid hoſpital, eſcheated to her then majeſty Queen* Anne, *in right of her crown of* England, *or whether the ſame reverted to her ſaid Majeſty as parcel of the duchy of* Lancaſter, *whereby it is uncertain in what manner leaſes and grants thereof ought to be made, and the revenues ſued for, and collected; and whilſt ſuch doubt remains, the premiſes cannot be improved ſo as to yield the advantage the ſame are capable of: And whereas by permiſſion of his Majeſty or his predeceſſors, kings of* England, *there have been built and erected in and upon the ſaid place or piece of ground certain churches, called* The High German Church, *and* The Low German Church, *and convenient church-yards or burying-grounds have been incloſed adjoining or contiguous thereto reſpectively; and there are alſo now ſtanding upon the ſaid place or piece of ground certain buildings, now uſed as barracks for ſoldiers, and as priſons and ſuttling-houſe, belonging to and for the uſe of the ſaid barracks; and alſo two dwelling-houſes adjoining or contiguous to the ſaid barracks, which are uſually inhabited by certain of the officers of the army having command of the ſoldiers reſiding in the ſaid barracks: And whereas, for obviating and removing the ſaid doubt and inconveniencies, his Majeſty is minded that the aforeſaid churches, church-yards, barracks, priſons, ſuttling-houſe, and dwelling-houſes, with the ſcites thereof, ſhall be from henceforth deemed, taken, and adjudged to be, parcel of the poſſeſſions of the crown of this realm, and as ſuch be under the ſurvey, rule, order, and government, of the court of exchequer; and that all the reſt and reſidue of the ſaid place or piece of ground, with all the buildings thereon, ſhall be united and annexed to the duchy of* Lancaſter; his Majeſty is therefore pleaſed and contented that it may be enacted, ordained, and eſtabliſhed; and be it enacted, ordained, and eſtabliſhed, by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That our ſovereign lord the King ſhall from henceforth have, hold, poſſeſs, and enjoy to him, his heirs, and ſucceſſors for ever, in right of his crown, all thoſe two ſeveral churches called *The High German Church*, and *The Low German Church*, ſituate, ſtanding, and being within and upon the ſaid place or piece of ground, called *The precinct of the Savoy*, in the county of *Middleſex*, together with the church-yards and burying-grounds to the ſame churches adjoining and belonging; and alſo all thoſe buildings ſtanding and being within

All buildings, church-yards, burying-grounds, barracks, &c. upon the precinct of the Savoy, to be enjoyed by his Majeſty, &c. hereafter in right of his crown;

in and upon the ſaid precinct, now uſed and employed as barracks for ſoldiers, and as priſons and ſuttling-houſe, belonging to the ſaid barracks; and alſo all thoſe two dwelling-houſes, ſituate within and upon the ſaid precinct, near unto a place called *The Friary*, and uſually occupied and enjoyed by ſuch of the officers of the army as have the command of the ſoldiers in the ſaid barracks, for the time being; and alſo all the ſcites, ground, and ſoil, whereon the ſaid churches, barracks, priſons, ſuttling-houſe, and dwelling-houſes reſpectively ſtand, and the ſoil of the ſaid church-yards and burying-grounds reſpectively, together with all ways, paths, and paſſages, to and from the ſame premiſes reſpectively; and that all and ſingular the ſame churches, church-yards, burying-grounds, barracks, priſons, ſuttling-houſe, and dwelling-houſes, and the ſcites, ground, and ſoil thereof, ſhall, by authority and force of this act, be from henceforth for ever in the order, ſurvey, and governance, of our ſaid ſovereign lord the King's court of exchequer, and of the chancellor, officers, and miniſters of the ſame; and all the farms, iſſues, rents, and arrears of rent, revenues, and profits, coming and growing of, or which have grown and are now due for the premiſes, and every part thereof, ſhall be ordered, taken, received, and anſwered, by the ſame chancellor, miniſters, and officers, of the ſame court, in ſuch and like manner and form as the farms, iſſues, rents, revenues, and profits, of other the hereditaments, and poſſeſſions of the crown, within the ſurvey, rule, order, and governance, of the King's court of exchequer, and the chancellor, officers, and miniſters of the ſame court, have been or ought to be ordered, taken, received, and anſwered.

with all the dwelling-houſes ſituate near the Friary.

II. And be it further enacted, That all the reſt and reſidue of the ſaid place or piece of ground, called *The precinct of the Savoy*, with the ſoil thereof, and all meſſuages, houſes, and buildings whatſoever thereon, with all and every their appurtenances, ſhall be, and the ſame are, by the authority and force of this act, from henceforth for ever, united and annexed unto the duchy of *Lancaſter*, and ſhall be adjudged, deemed, and taken for ever, for and as parcels and members of the ſaid duchy of *Lancaſter*, and ſhall be of the ſame nature, quality, kind, and condition, to all intents, conſtructions, and purpoſes, as others the ancient poſſeſſions of the ſaid duchy (lying out of the county palatine of *Lancaſter*,) be, and ought to be, and ſhall be, in the letting, ſetting, order, rule, ſurvey, receipt, and governance, of the chancellor, council, and officers of the ſaid duchy of *Lancaſter*, for the time being, for evermore, in like and the ſame manner and form, to all intents and purpoſes, as others the ſaid ancient poſſeſſions belonging to the ſaid duchy, (lying out of the ſaid county palatine,) be, have been, or ought to be; and that all and ſingular the ſaid meſſuages, houſes, buildings, and ground, united and annexed to the ſaid duchy of *Lancaſter*, by authority and force of this act, and all and ſingular grants, leaſes, and letters patent thereof, or of any part thereof, hereafter to be made by the King's majeſty, his heirs and ſucceſſors, ſhall,

The precinct of the Savoy to be hereafter annexed to the duchy of Lancaſter.

ſhall, for evermore, paſs and be made under the ſeal of the ſaid duchy, and not under any other ſeal, or otherwiſe, and with the like and the ſame livery and ſeiſin, attornments, ceremonies, orders, and circumſtances in the law, and in the ſame manner and form, as other the ancient poſſeſſions of the ſaid duchy, and the grants, leaſes, and letters patent thereof, heretofore of ancient time made, have uſed and ought to be made and paſſed, and not otherwiſe, nor in any other manner or form; any law, ſtatute, uſage, or cuſtom, to the contrary thereof notwithſtanding.

Nothing herein to extend to abate any actions, &c. commenced on behalf of his Majeſty, for recovery of poſſeſſion, or for the meſne rents, &c.

III. Provided always, and be it enacted, That nothing herein contained, ſhall extend to abate or affect any action, information, bill, ſuit, or other proceeding, already brought or commenced by or on the behalf of his Majeſty, in any of the courts of law or equity, againſt any perſon or perſons for the recovery of the poſſeſſion of the premiſes contained or mentioned in this act, or any part thereof, or for the meſne rents and profits thereof, or any part thereof, but that the ſame actions, informations, bills, ſuits, and other proceedings, ſhall and may be proſecuted and carried on in ſuch and the ſame manner, and with the ſame validity and effect, as if this act had not been made.

In any information or ſuit, it ſhall be ſufficient for his Majeſty to prove his title to the premiſes.

IV. Provided alſo, and be it enacted, That in every action, information, bill, or ſuit, brought or commenced, or to be brought or commenced, for the purpoſes aforeſaid, it ſhall be ſufficient for his Majeſty to make due proof of a title to the premiſes in queſtion, either in right of his crown, or as parcel of his duchy of *Lancaſter*; and that all and every judgement and decree already had, or to be had, obtained, and pronounced therein reſpectively, and every execution thereupon, ſhall be available, and ſhall be and remain in full force and effect.

Proof of a title derived from the crown, ſhall, for defendants, be an effectual bar againſt his Majeſty.

V. Provided alſo, That in every ſuch action, information, bill, or ſuit, it ſhall be ſufficient for the defendant or defendants to make due proof of a title to the premiſes in queſtion, derived from or under his Majeſty, or any of his royal predeceſſors, either in right of his crown, or as parcel of his ſaid duchy of *Lancaſter*, and that every ſuch title ſhall be deemed, taken, and adjudged to be, an available, ſufficient, and effectual bar againſt his Majeſty, his heirs, and ſucceſſors; any law, ſtatute, or uſage, or any thing herein contained to the contrary notwithſtanding.

His Majeſty may, from time to time, aſſign any part of the premiſes.

VI. *And, to the end and intent the premiſes may be laid out to the greater advantage, and may thereby be improved to their utmoſt value*, be it enacted by the authority aforeſaid, That our ſaid ſovereign lord the King, his heirs and ſucceſſors, may, from time to time hereafter, at his and their liberties and pleaſures, by letters patent, to be ſealed with the ſeal of the duchy of *Lancaſter*, limit, aſſign, and appoint, any part or parts of the premiſes, which by force of this act are annexed and united to the ſaid duchy, unto the ſurvey, rule, order, governance, juriſdiction, letting, and ſetting of his Majeſty's court of exchequer, and the chancellor, officers, and miniſters of the ſame court, and the premiſes to be ſo limited, aſſigned, and appointed, by force of any ſuch letters patent, ſhall, from the teſte of the ſaid letters patent, be ſevered

form

from the ſaid duchy, and ſhall from thenceforth be and remain in the ſurvey, rule, order, governance, juriſdiction, letting, ſetting, and receipt, of the ſame court of exchequer, and the chancellor, officers, and miniſters of the ſame; and all the farms iſſues, rents, revenues, and profits of the premiſes, ſo to be limited, aſſigned, and appointed, ſhall be ordered, taken, received, and anſwered by the ſame chancellor, miniſters, and officers of the ſame court of exchequer, in ſuch and in like manner, and form, and to and for ſuch uſes, intents, and purpoſes, as the farms, iſſues, rents, revenues, and profits, coming and growing by, or out of other the lands and hereditaments, being the ancient poſſeſſions of the crown, within the order, ſurvey, and governance of the ſame court of exchequer, and the chancellor, officers, and miniſters of the ſame have been, or ought to be ordered, taken, received, and anſwered; and that our ſaid ſovereign lord the King, his heirs and ſucceſſors, may alſo, from time to time hereafter, at his and their liberties and pleaſures, by letters patent, to be ſealed with the great ſeal, unite, annex, limit, aſſign, and appoint unto the ſaid duchy of *Lancaſter*, any part or parts of the premiſes, which, by force of this act, are put under the order, ſurvey, and governance of the court of exchequer, and the chancellor, officers, and miniſters of the ſame; and that all and every the premiſes, which ſhall happen to be united and annexed to the ſaid duchy, by force of any ſuch letters patent, ſhall be, from the teſte of the ſaid letters patent, within the order, ſurvey, rule, governance, juriſdiction, letting, and ſetting of the chancellor, council, and officers of the ſaid duchy of *Lancaſter*, for the time being, as others the poſſeſſions of the ſaid duchy of *Lancaſter*, lying and being out of the ſaid county palatine of *Lancaſter*, have, uſed, and ought to be, and that as well all and every ſuch limiting, aſſignment, and appointment made, or to be made by our ſaid ſovereign lord the King, his heirs and ſucceſſors, of any of the premiſes, unto the court of exchequer, and the chancellor, officers, and miniſters of the ſame, by any letters patent, under the ſeal of the ſaid duchy, as alſo all and every ſuch annexing, limiting, aſſignment, and appointment, to be made by his Majeſty, his heirs, and ſucceſſors, of any the premiſes unto the ſaid duchy of *Lancaſter*, by any letters patent under the great ſeal, ſhall be as good and available as if done by authority of parliament.

Saving all rights, &c. to any perſons which they had previous to the paſſing hereof.

VII. Saving to all and every perſon and perſons, bodies politick and corporate, and to their heirs, ſucceſſors, and aſſigns, and to the heirs, ſucceſſors, and aſſigns of every of them, all ſuch right, title, intereſt, poſſeſſions, leaſe and leaſes, rents, profits, eaſements, actions, ſuits, and demands whatſoever, which they or any of them ſhould, might, or ought to have had, in, to, or out of any of the premiſes before the making of this act, and not herein or hereby expreſſly taken away, altered, or abridged, in like and the ſame manner, form, and condition, to all intents, conſtructions, and purpoſes, as if this act had never been made.

CAP.

CAP. XLIII.

An act for vesting Ely House, *in* Holbourn, *in his Majesty, his heirs and successors, and for applying the purchase-money, with another sum therein mentioned, in the purchasing of a freehold piece of ground in* Dover Street, *and in the building and fitting up another house thereon, for the future residence of the bishops of* Ely, *and the surplus to the benefit of the see; and for other purposes therein mentioned.*

Preamble.

WHEREAS *the right reverend* Edmund *lord bishop of* Ely *is seised, in the right of his see, of a capital mansion-house called* Ely House, *situate in* Holbourn, *in the county of* Middlesex, *and the scite thereof: and whereas, since the death of the right reverend* Matthias, *late lord bishop of* Ely, *his lordship's immediate predecessor, an account hath been adjusted between the representatives of the said* Matthias *and the said* Edmund, *now lord bishop of* Ely, *of the dilapidations incurred on the said mansion-house; and the same having been estimated at three thousand pounds, that sum hath been secured to the said* Edmund, *now lord bishop of* Ely, *by bond, bearing date the eighteenth day of* November, *one thousand seven hundred and seventy-one, from* Charles Wager Purvis *esquire, since deceased, payable as therein mentioned: and whereas upon a proper survey lately made of the said house, and offices thereto belonging, it appears that they same are, from length of time, and other causes, become so decayed, that it hath been advised, by experienced workmen, to rebuild rather than attempt the repair thereof: And whereas thereupon, and as no sufficient fund offered for rebuilding, an agreement hath been made and reduced into writing between the right honourable the lords commissioners of his Majesty's treasury, and the said* Edmund, *now lord bishop of* Ely, *bearing date the twenty-seventh day of* January, *one thousand seven hundred and seventy-two; whereby, after reciting, (amongst other things), that it had been represented to their lordships that the piece of ground whereon the said house stood might be rendered of considerable advantage to the publick, if the same could be procured, in order thereon to erect publick offices; and that the said* Edmund *lord bishop of* Ely, *being seised and possessed, in right of his see, of the said ground and house thereon, was ready and willing, so far as in him lay, to dispose of the same for the benefit of the publick, upon a full and adequate compensation being made to him and his successors, and the said see of* Ely, *in lieu thereof; and that their lordships were desirous the same might be purchased for the service of the publick, and that the said lord bishop of* Ely, *and his successors, and the said see of* Ely, *might, out of the publick money, receive a reasonable consideration for the same: and further reciting, that, upon a treaty between their lordships and the said* Edmund, *now lord bishop of* Ely, *and upon proper surveys taken, and calculations made thereon, it had appeared and been agreed on, that a clear sum of six thousand five hundred pounds, and a clear annuity of two hundred pounds, for ever, would be a full price and adequate consideration for such*

piece of ground and house thereon built; but that such treaty and agreement could not be effectually established and carried into execution without the authority of parliament, it was witnessed, and the said Edmund lord bishop of Ely agreed and undertook that he would, with all convenient speed, so far as in his power lay, at his own expence, procure an act of parliament to be passed for the purpose of carrying the said treaty into immediate execution, and of giving the said lord bishop of Ely, and his successors, proper powers to convey such piece of ground, and the house and buildings thereon erected, to such persons, and for such uses, as should be directed by the lords commissioners of the treasury for that purpose; in which act of parliament were to be contained proper clauses for securing to the said lord bishop of Ely, or his successors, the said sum of six thousand five hundred pounds, clear of all deductions and outgoings, to be paid on the execution of the purchase deeds of the said premises, in such manner as the said act should direct; and also for securing the said annuity of two hundred pounds, the produce of which should be paid to the said lord bishop of Ely, and his successors, from time to time, as part of, the revenues of the said bishoprick, in such manner, and under such directions, as by the said act of parliament should be provided; and also that in case the said lord bishop of Ely should chuse to have a further sum of money advanced in lieu of the said annuity, or any part thereof, that then there should be paid to him, or other proper persons to be named in the said act, a sum of money in lieu of the said annuity, or of part thereof, at the election of the said lord bishop of Ely, after the rate of thirty years purchase: and whereas since the said agreement a certain freehold piece of ground hath been offered to the said Edmund lord bishop of Ely, late belonging to the right honourable William lord viscount Chetwynd, in the kingdom of Ireland, deceased, situate in Dover Street, in the parishes of Saint James and Saint Martin in the Fields, or one of them, in the county of Middlesex, as a proper and commodious spot whereon to erect a suitable mansion-house, for the future residence of the said lord bishop of Ely, and his successors, the bishops of Ely, in the room of the said ancient mansion-house in Holbourn, and an agreement hath been entered into between the said lord bishop of Ely and Lucy Chetwynd and Esther Chetwynd, the present owners of the said piece of ground, and the ancient house and buildings thereon erected in Dover Street aforesaid, for the purchase of the said last mentioned piece of ground, and the house and buildings thereon, at the price or sum of five thousand six hundred pounds, (part of the before-mentioned sum of six thousand five hundred pounds), subject to the yearly sum of eighteen pounds for ever, payable out of part of the premises, to the right honourable the lord Berkely of Stratton, his heirs and assigns (which last-mentioned purchase, nevertheless, is to take effect only in case the said prior agreement with the lords commissioners of the treasury shall be established and effectuated by parliament); and if such purchase shall take place, it hath been proposed to pull down the old house and buildings now standing on the said piece of ground in Dover Street, and instead thereof to erect such mansion-house as aforesaid, and to apply the said sum of three thousand pounds to be received by the said Edmund, now lord bishop of Ely, for dilapidations,

pidations, and the whole, or a ſufficient part of the conſideration to be paid by the lords commiſſioners of the treaſury, (agreeably to the latitude given by the aforeſaid contract), for the purpoſe of building and fitting up the ſame for habitation, and the ſurplus (if any ſhall remain) for the benefit of the ſee, in ſuch manner, and under ſuch reſtrictions, as to the wiſdom of parliament ſhall appear reaſonable: and whereas the rents reſerved in and by ſeveral of the leaſes granted by the biſhops of Ely, *in right of the ſaid ſee, are made in the ſaid manſion-houſe in* Holbourn, *and it hath been uſual for the biſhop of* Ely *for the time being to hear and determine appeals from ſeveral colleges in the univerſity of* Cambridge, *as viſitor thereof, at his ſaid houſe in* Holbourn, *and to cite all parties concerned in ſuch appeals to appear at the ſaid houſe; but it will be proper, upon the alienation of the ſaid laſt-mentioned houſe, to transfer the payment of ſuch reſerved rents, and exerciſe of ſuch appellate juriſdiction, to ſuch new manſion-houſe, to be erected for the future reſidence of the biſhops of the ſaid ſee, when the ſame ſhall be ſo erected, and in the mean time to provide ſome other proper place or reſort for the ſaid ſeveral purpoſes: and whereas the effectuating and accompliſhing the ſaid agreement with the lords commiſſioners of the treaſury will be of great advantage to the publick, and the ſeveral purpoſes purpoſed to be anſwered in conſequence thereof will be no leſs beneficial to the ſee of* Ely; *yet foraſmuch as the ſame cannot be carried into execution without the aid and authority of parliament*; therefore may it pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That (from and immediately after the payment into the bank of *England* by his Majeſty, his heirs or ſucceſſors, in the names of the ſaid *Edmund* lord biſhop of *Ely*, and of *Owen Saluſbury Brereton* of *Shotwick Park*, in the county palatine of *Cheſter*, eſquire, and *Thomas Hunt* of *Mollington*, in the ſaid county, eſquire, truſtees hereby appointed in that behalf, or the ſurvivors or ſurvivor of them, of the full ſum of ſix thouſand five hundred pounds of lawful money of *Great Britain*, free and clear of all taxes, impoſitions, fees, rewards, and other deductions, on or before the eleventh day of *June*, which will be in the year of our lord one thouſand ſeven hundred and ſeventy-two, in part of ſatisfaction and compenſation for the purchaſe-money of the preſent houſe called *Ely Houſe*, and ſcite thereof, ſituate in *Holbourn*, herein-after mentioned and deſcribed, to be by them the ſaid *Edmund* lord biſhop of *Ely*, and *Owen Saluſbury Brereton*, and *Thomas Hunt*, or the ſurvivors or ſurvivor of them, and the executors and adminiſtrators of ſuch ſurvivor, paid, applied, and diſpoſed of, to and for the uſes, intents, and purpoſes herein-after declared and enacted concerning the ſame) all that houſe called *Ely Houſe*, ſituate in *Holbourn*, in the county of *Middleſex*, and all that and thoſe the chapel, coach-houſes, ſtables, and other offices, gardens, and yard thereto belonging, with all the rights, members, privileges, immunities, exemptions, ways, paths, paſ-*

ſages, caſements, commodities, emoluments, advantages, and appurtenances to the ſaid houſe and premiſes, or any part thereof, had uſually held and enjoyed therewith, (ſave and except hereout all the ancient wall and fences, which circumſcribe the ſeveral meſſuages or tenements now held by the right honourable *Anthony* earl of *Shaftſbury*, under a leaſe from the late lord biſhop of *Ely*, with free liberty of ingreſs and egreſs, to repair or rebuild the ſaid walls, and without prejudice to all lights neceſſary to the ſaid meſſuages or tenement, or ſuch other buildings as may hereafter be erected on the ſcite of the ſaid premiſes,) ſhall be, and be deemed to be, and are hereby declared to be, veſted in and annexed to the imperial crown of this realm, and ſhall be and remain for ever unalienable from the ſame; and his Majeſty, his heirs and ſucceſſors, in the imperial crown of this realm, ſhall for ever have, hold, and enjoy the ſame againſt the ſaid *Edmund* lord biſhop of *Ely*, and all and every perſon and perſons claiming or to claim, from or under or in right of the ſaid epiſcopal ſee of *Ely*, freed and diſcharged, and abſolutely acquitted, exempted, and indemnified of, from, and againſt all former grants, charters, titles, eſtates, leaſes, or other incumbrances whatſoever, made or granted of the ſaid houſe, ſcite, and premiſes, or any part thereof, ſaving unto the ſaid now lord biſhop of *Ely*, and his ſucceſſors, biſhops of the ſaid ſee of *Ely*, all other the lawful privileges, royalties, franchiſes, and juriſdictions, which of right do belong and appertain to him and them in right of the ſaid biſhoprick, to be had, uſed, exerciſed, and enjoyed, except in and upon the premiſes hereby alienated, or any part thereof, or within the bounds or circuits of the ſame.

Receipt of the caſhier to be a ſufficient diſcharge.

II. And be it further enacted by the authority aforeſaid, That the receipt or receipts of the proper clerk or caſhier, clerks or caſhiers, of the governor and company of the bank of *England*, under his or their hand or hands reſpectively, teſtifying the payment of the ſaid ſum of ſix thouſand five hundred pounds, or any part thereof, by the lords commiſſioners of the treaſury, or the lord high treaſurer for the time being, or ſuch perſons or perſon as he or they, or any three of them, ſhall order and direct to pay the ſame into the bank of *England*, in the names of the ſaid *Edmund* lord biſhop of *Ely*, and *Owen Salusbury Brereton*, and *Thomas Hunt*, or the ſurvivors or ſurvivor of them, ſhall be a ſufficient and full diſcharge to his Majeſty, his heirs and ſucceſſors, or ſuch other perſons or perſon ſo paying the ſame, their, his, or her heirs, executors, or adminiſtrators, of and for the ſaid ſum of ſix thouſand five hundred pounds, and every part thereof, or ſo much thereof as ſuch receipt or receipts ſhall be given for; and that his Majeſty, his heirs and ſucceſſors, and all and every ſuch other perſons and perſon as aforeſaid, upon and after ſuch receipt or receipts given as aforeſaid, ſhall be abſolutely acquitted and diſcharged of and from the ſaid ſum of ſix thouſand five hundred pounds, and every part thereof, notwithſtanding

ſtanding any ſubſequent loſs, non-application, or miſapplication of the ſame, or any part thereof.

How compenſation ſhall be made for the premiſes.

III. And be it further enacted by the authority aforeſaid, That in additional ſatisfaction, and in full compenſation of and for the ſaid houſe and ſcite thereof, and other the premiſes ſo veſted in and annexed to the crown as aforeſaid, there ſhall be paid to the ſaid lord biſhop of *Ely*, and his ſucceſſors, for ever, as part of the revenues of the ſaid biſhoprick, and to be applied and dipoſed of as herein-after mentioned, one annuity or yearly ſum of two hundred pounds, of lawful money of *Great Britain*, free and clear of all parliamentary or other taxes, payments, fees, charges, and deductions whatſoever, payable by even and equal half yearly payments, on the eleventh day of *June* and the eleventh day of *December*, in every year; the firſt of ſuch half-yearly payments to be made on the eleventh day of *December*, which will be in the year of our Lord one thouſand ſeven hundred and ſeventy-two, and now next enſuing; and the ſaid annuity or yearly ſum of two hundred pounds, lawful money aforeſaid, ſhall be ſo paid and payable to the ſaid lord biſhop of *Ely*, and his ſucceſſors reſpectively, for the time being, in manner aforeſaid, by the reſpective receivers-general of the duties or revenues of the ſeveral offices that ſhall hereafter be eſtabliſhed and appointed to be held within the ſcite of the ſaid houſe, and other the premiſes reſpectively, and at ſuch offices reſpectively, from and after the ſame ſhall be ſo eſtabliſhed and held, in ſuch manner, and in ſuch proportions, as the lords commiſſioners of his Majeſty's treaſury for the time being, or any three of them, or the lord high treaſurer for the time being, ſhall, from time to time, direct; and in the mean time, and until ſuch offices ſhall be ſo eſtabliſhed and held as aforeſaid, by the receiver-general of the duties on ſalt for the time being, and at the preſent or future office for the time being of the ſaid receiver.

Receipts of the biſhop of Ely to be ſufficient diſcharges.

IV. And be it further enacted, That on payment of the ſaid annuity or yearly ſum of two hundred pounds, or any part thereof, to the ſaid lord biſhop of *Ely*, or his ſucceſſors, the receipts of the ſaid lord biſhop, or of his ſucceſſors, ſhall be good and ſufficient diſcharges to ſuch receivers-general or receiver-general for the time being, or to the perſon or perſons who ſhall pay the whole, or any part thereof reſpectively, for the ſum or ſums of money expreſſed in ſuch receipts; and the ſame ſhall be allowed ſuch receivers-general or receiver-general on paſſing their or his accounts or account; and in caſe the ſaid annuity, or any part thereof, ſhall be behind and unpaid by the ſpace of forty days next over or after any of the ſaid days on which the ſame ſhall become due and payable, after having been lawfully demanded at the office or offices aforeſaid, it ſhall and may be lawful to and for the ſaid *Edmund* lord biſhop of *Ely*, and his ſucceſſors, biſhops of *Ely* for the time being, to bring an action at law for recovery of the money from time to time to accrue and become due, and in arrear thereon, in his Majeſty's court

of exchequer at *Weſtminſter*, againſt the receivers-general reſpectively of the ſeveral duties or revenues, which ſhall ariſe from the reſpective offices to be ſo eſtabliſhed and held as aforeſaid, from and after the ſame ſhall be ſo eſtabliſhed and held, in ſuch proportions as ſhall be directed for payment thereof as aforeſaid, and in the mean time, and until ſuch offices ſhall be ſo eſtabliſhed and held as aforeſaid, againſt the receiver-general of the duties on ſalt for the time being; in which action no eſſoin, wager of law, or protection, ſhall be allowed; and in caſe the plaintiff ſhall recover in ſuch action, he ſhall be intitled to full coſts.

The amount of the dilapidations ariſen in reſpect of the premiſes, to be paid by the biſhop of Ely within 6 months;

V. And be it further enacted by the authority aforeſaid, That all that the ſaid ſum of three thouſand pounds, lawful money aforeſaid, being the amount adjuſted as aforeſaid of the dilapidations ariſen in reſpect of the ſaid houſe and ſcite thereof, and other the premiſes ſo veſted in and annexed to the crown as aforeſaid, ſhall within the ſpace of ſix months, to be computed from the day of paſſing this act, be paid over by the ſaid lord biſhop of *Ely* that now is, his executors or adminiſtrators, in caſe he or they ſhall then have received the ſame; or if the ſame ſhall not have been ſo received as aforeſaid, that then the ſecurity ſo taken for the ſaid ſum of three thouſand pounds, by bond, as aforeſaid, ſo far forth as reſpects the ſaid ſum of three thouſand pounds, ſhall be aſſigned and transferred by the ſaid lord biſhop of *Ely*, his executors or adminiſtrators, in due form of law, unto the ſaid *Owen Saluſbury Brereton* and *Thomas Hunt*, their heirs and aſſigns, upon the ſeveral truſts, nevertheleſs, and to and for the ſeveral intents and purpoſes herein-after expreſſed and declared concerning the ſame; and that the receipt or receipts of the ſaid *Owen Saluſbury Brereton* and *Thomas Hunt*, or the ſurvivors or ſurvivor of them, or the heirs or aſſigns of ſuch ſurvivor, under their, his, or her hands or hand reſpectively, teſtifying the payment of the ſaid ſum of three thouſand pounds, or any part thereof, by the ſaid lord biſhop of *Ely*, his executors or adminiſtrators, ſhall be a good and effectual diſcharge to the ſaid lord biſhop of *Ely*, his executors or adminiſtrators, or the perſons or perſon ſo paying the ſame, their or his executors or adminiſtrators, of and for the ſaid ſum of three thouſand pounds, and every part thereof, or ſo much thereof as ſhall be ſpecified in ſuch receipt or receipts: and in caſe the ſaid ſum of three thouſand pounds, and every part thereof, ſhall not have been ſo received by the ſaid lord biſhop of *Ely*, his executors or adminiſtrators, within the ſaid ſpace of ſix months, to be computed from the paſſing of this act as aforeſaid, and thereupon the ſame ſhall be ſo aſſigned and transferred by the ſaid lord biſhop of *Ely*, his executors or adminiſtrators, to the ſaid *Owen Saluſbury Brereton* and *Thomas Hunt*, their heirs and aſſigns, in manner and form aforeſaid; that then, and from thenceforth, and from and after ſuch aſſignment and transfer ſhall be ſo made of the ſaid bond as aforeſaid, the ſaid lord biſhop of *Ely*, his executors and adminiſtrators, and every of them, ſhall ſtand and be for ever there-

thereafter acquitted and discharged of and from the said sum of three thousand pounds, and every part thereof; any thing herein contained to the contrary thereof notwithstanding.

Messuages to be settled upon the lord bishop of Ely, in compensation.

VI. And be it further enacted by the authority aforesaid, That all that messuage or house now built and standing upon part of the ground and soil whereon a capital messuage or mansion-house, with the appurtenances, formerly called *Clarendon House*, and afterwards called *Albemarle House*, did formerly stand, or on ground to the said late capital messuage belonging, situate, and being, in the parishes of *Saint James* or *Saint Martin in the Fields*, or one of them, in the county of *Middlesex*, in a certain street there, formerly called *Clarendon Street*, and now called *Dover Street*, on the west side thereof, between the said street on the east, and the garden now used with the said messuage or house, but formerly part of the garden heretofore belonging to, or used with, a capital messuage or mansion-house called *Berkeley House*, on the west; and the messuage or house formerly in the possession of the late earl of *Carbery* on the north, and a messuage or house formerly in the possession of the late lord viscount *Dunbar*, on the south; the which said messuage or house doth contain in the front, next the street, from north to south, thirty-six feet of assize, little more or less, and in the depth from east to west, with part of the garden therewith used, eighty feet of assize, little more or less; and also all that piece or parcel of ground formerly belonging to and part of the garden heretofore belonging to, or used with, the afore-mentioned capital messuage or mansion-house, called *Berkeley House*, lying and being in the said parishes of *Saint James* and *Saint Martin in the Fields* afore-mentioned, or in one of the said parishes, in the said county of *Middlesex*, and between a certain street there called *Berkeley Street*, on the west, and the messuage or house herein-before mentioned, situate in *Dover Street* aforesaid, on the east, and the ground formerly of *Christian* lady *Berkeley*, and *John* lord *Berkeley*, deceased, formerly granted to the most noble *Charles* duke of *Shrewsbury*, and formerly in the tenure of the said late viscount *Dunbar*, on the south; and on the ground formerly in the possession of the said earl of *Carbery* on the north; and the which said piece or parcel of ground containeth in breadth thirty-six feet, or thereabouts, and in length, on the south side, one hundred and fourteen feet or thereabouts, and in length, on the north side, one hundred and sixteen feet or thereabouts; and the greatest part of which said piece or parcel of ground is used as a garden to the said messuage or house afore-mentioned; all which said parcels of ground, messuage, or house and premises, were formerly in the possession of the lady dowager *Falkland*, since of *John Egerton* esquire, and late of the said *William* lord viscount *Chetwynd*, deceased, and all ways, paths, passages, vaults, cellars, solars, lights, casements, profits, commodities, and appurtenances whatsoever, to the said messuage or house, piece or parcel of garden ground and premises herein-before mentioned, belonging or in anywise appertaining, or therewith usually

uſually held, occupied, or enjoyed, or accepted, reputed, deemed, or known as part, parcel, or member thereof; and the reverſion and reverſions, remainder and remainders, rents, iſſues, and profits, of all and ſingular the ſaid premiſes, and all the eſtate, right, title, intereſt, uſe, truſt, property, claim, and demand whatſoever, of them the ſaid *Lucy Chetwynd* and *Eſther Chetwynd*, or either of them, of, in, to, or out of the ſame premiſes, or any part thereof, ſhall, from and after the ſeventeenth day of *June*, which will be in the year of our Lord one thouſand ſeven hundred and ſeventy-two, and from and after full payment and ſatisfaction ſhall have been made of the before-mentioned ſum of five thouſand ſix hundred pounds, lawful money of *Great Britain*, and every part thereof, unto the ſaid *Lucy Chetwynd* and *Eſther Chetwynd*, or the ſurvivor of them, or the executors or adminiſtrators of ſuch ſurvivor, by and out of ſuch fund or funds, and by ſuch perſon or perſons, and in ſuch manner and form as next herein-after enacted and declared concerning the ſame, (in full compenſation and ſatisfaction for the abſolute purchaſe of the fee-ſimple and inheritance in poſſeſſion of the ſaid freehold piece of ground, houſe, buildings, and other the premiſes laſt mentioned), be veſted in, and ſettled upon, and the ſame, and every of them, are hereby from thenceforth, and ſuch houſe, buildings, and offices, which ſhall at any time thereafter be erected and built upon the ſaid piece of ground, or any part thereof, purſuant to the proviſions of this act, from and after the ſame ſhall be ſo erected and built, ſhall be veſted in, and ſettled upon, the ſaid *Edmund* now lord biſhop of *Ely*, and his ſucceſſors, the biſhops of *Ely* for the time being, as and for the manſion-houſe or uſual place of reſidence within the city of *Weſtminſter* of the biſhop of *Ely* for the time being, from time to time, and at all times hereafter freed and diſcharged, and abſolutely acquitted, exempted, and exonerated of, from, and againſt all and every claim, right, title, eſtate, or demand whatſoever, which they the ſaid *Lucy Chetwynd* and *Eſther Chetwynd*, or the right honourable *William* now lord viſcount *Chetwynd*, in the kingdom of *Ireland*, as eldeſt ſon and heir at law of the ſaid *William* lord viſcount *Chetwynd* deceaſed, or in any other right whatſoever, or any perſon or perſons claiming, or to claim by, from, or under them, any or either of them, now have or hath, or at any time hereafter can or may have, claim, challenge, or demand, in anywiſe howſoever; ſubject nevertheleſs to, and charged and chargeable with, the ſaid yearly rent of eighteen pounds, hereafter to grow due and payable for ever, to the right honourable *William* lord *Berkeley* of *Stratton*, his heirs and aſſigns, out of and for the ſaid piece or parcel of ground, the moſt part whereof is now uſed for a garden as aforeſaid, being part of the premiſes herein-before mentioned, and which was reſerved and made payable in and by one indenture of releaſe, bearing date the ſecond day of *June*, one thouſand ſix hundred and eighty-ſix, made between the right honourable *Chriſtian* lady *Berkeley*, widow,

widow, and the right honourable *John* lord *Berkeley* of the one part, and *Margaret Stafford* of the other part.

Nothing herein to invalidate an indenture, Sept. 4, 1667, between earl Clarendon and viſcount Cornbury.

VII. Provided always, and be it hereby further enacted and declared by the authority aforeſaid, That nothing in this act contained ſhall extend, or be deemed, conſtrued, or taken to extend, to merge, extinguiſh, invalidate, or impeach a certain term of one thouſand years, of and in the laſt-mentioned piece of ground, meſſuage, and premiſes, or part thereof, originally created by one indenture, bearing date the fourth day of *September*, in the year one thouſand ſix hundred and ſixty-ſeven, made, or mentioned to be made, between the right honourable earl of *Clarendon* and the right honourable *Henry* lord viſcount *Cornbury*, ſon and heir apparent of the ſaid *Edward* earl of *Clarendon*, of the one part, and the right honourable *Richard* then earl of *Burlington* and *Cork*, and *Charles* then lord *Clifford*, his then eldeſt ſon and heir-apparent, and *Robert Boyle* eſquire, of the other part; which ſaid term of years was afterwards veſted in *Henry Poley* eſquire, ſince deceaſed, his executors, adminiſtrators, and aſſigns, in truſt, to attend and wait on the reverſion and inheritance of the ſaid meſſuage, ground, and premiſes, and the executors, adminiſtrators, and aſſigns, of the ſaid *Henry Poley*, are hereby declared to ſtand and be poſſeſſed of, and ſhall from henceforth ſtand and be poſſeſſed of and in the ſaid meſſuage, ground, and premiſes, for and during the reſidue and remainder of the ſaid term of one thouſand years, now to come and unexpired, in truſt for the ſaid lords biſhops of *Ely*, for the time being, their heirs and aſſigns, to the end that the ſaid term may be kept on foot, and may attend and wait on the freehold and inheritance of the ſaid premiſes, for the better defending and protecting the ſame, from and againſt all meſne and ſubſequent incumbrances.

How, and to what purpoſes, the ſeveral ſums are to be applied.

VIII. *And, for declaring the truſts as well of the ſaid laſt-mentioned ſum of three thouſand pounds, as of the before-mentioned ſum of ſix thouſand five hundred pounds, part of the conſideration-money to ariſe by the ſale of the ſaid houſe called* Ely Houſe, *and ſcite thereof, and other the premiſes thereto belonging*, be it further enacted by the authority aforeſaid, That they the ſaid *Edmund* lord biſhop of *Ely*, and *Owen Salusbury Brereton*, and *Thomas Hunt*, and the ſurvivors and ſurvivor of them, and the heirs and aſſigns of ſuch ſurvivor, ſhall and do pay, apply, and diſpoſe of the ſaid ſeveral ſums of ſix thouſand five hundred pounds, and three thouſand pounds, and each of them, and every part thereof, when and as the ſame ſhall be reſpectively received, and as ſoon thereafter as conveniently may be, in ſuch manner, and for ſuch ends, intents, and purpoſes, as are herein-after mentioned; that is to ſay, In the firſt place, in and for the paying and defraying the charges and expences attending the obtaining and paſſing of this act, and in making eſtimates and charges to workmen and other expences incurred in ſettling the dilapidations on the ſaid houſe in *Holbourn*, and the premiſes thereto belonging, and in ſur-

surveying and valuing the same, and in and about executing and compleating the said sale and alienation thereof to his Majesty, and in the contracting for, and purchasing the said piece of ground, with the house thereon erected, in *Dover Street* aforesaid, late the estate of the said *William* lord viscount *Chetwynd*, and all matters relating thereto respectively; and after payment of the several charges and expences aforesaid, as to the sum of five thousand six hundred pounds, part of the said several sums of six thousand five hundred pounds, and three thousand pounds, in payment and satisfaction of the said consideration or like sum of five thousand six hundred pounds, to the said *Lucy Chetwynd* and *Esther Chetwynd*, as and for the price or purchase-money for the said piece of ground, with the house thereon erected, in *Dover Street*; and as to the residue of the said several sums of six thousand five hundred pounds, and three thousand pounds, which shall remain unapplied for the several purposes aforesaid, in the erecting and building, and fitting up for habitation a suitable and commodious mansion-house, with all proper out-buildings and offices to be thereunto appertaining, in and upon the said piece of ground, and scite of the said house now standing thereon in *Dover Street*, for the future residence of the said lord bishop of *Ely*, and his successors, the bishops of the said see for the time being, and in furnishing and providing all proper fixtures thereto, (such fixtures to be scheduled, and to accompany and go along with the said house and buildings as and in the nature of heir looms, and the schedule thereof to be inrolled in the high court of chancery, within six months after the said house shall be finished and rendered fit for habitation), according to such plan and design, and under such provisions, regulations, and agreements, as shall be for that purpose approved by the most reverend the archbishop of *Canterbury*, the right honourable the lord high chancellor of *Great Britain*, and the right honourable the speaker of the house of commons for the time being, by writing, signifying such approbation, to be by them severally signed, and to be inrolled as aforesaid; and from and after such house, offices, and out-buildings, shall be so erected and rendered fit for habitation, and such fixtures added thereto as aforesaid, that then the surplus, (if any) which shall remain of the said several sums of six thousand five hundred pounds, and three thousand pounds, and of the money to arise by the sale of the materials of the said ancient house and offices now standing in *Dover Street*, as next herein-after mentioned, shall be, and remain to and for the several further uses, intents, and purposes, herein-after expressed and declared concerning the same.

House and offices in Dover Street, to be taken down and rebuilt.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said *Edmund* lord bishop of *Ely*, and *Owen Salusbury Brereton*, and *Thomas Hunt*, and the survivors and survivor of them, and the heirs and assigns of such survivor, to take down the said house and offices, and every of them, now standing and being upon the said piece

of ground in *Dover Street*, for the purpoſe of rebuilding the ſame, according to ſuch plan and deſign as aforeſaid, and to ſell and diſpoſe of all and ſingular the materials of ſuch houſe and offices, or ſo much thereof as ſhall not be otherwiſe worked up and employed in the rebuilding ſuch new houſe and offices to be thereon erected, to the beſt advantage, and in ſuch manner, as to them ſhall ſeem fitting, ſo as that the money to ariſe by the ſale and diſpoſal of ſuch materials, and every of them, be duly brought to account, and applied for the purpoſe of ſuch rebuilding, and for ſuch other the like intents and purpoſes, as are herein directed touching the ſaid ſeveral ſums of ſix thouſand five hundred pounds, and three thouſand pounds, and each of them.

In caſe the ſeveral ſums mentioned, ſhall be inſufficient,

X. Provided always, and be it further enacted by the authority aforeſaid, That in caſe it ſhall ſo happen that the ſaid ſeveral ſums of ſix thouſand five hundred pounds, and three thouſand pounds, to be ſo paid to the ſaid *Edmund* lord biſhop of *Ely*, and *Owen Saluſbury Brereton*, and *Thomas Hunt*, and the ſurvivors and ſurvivor of them, and the heirs and aſſigns of ſuch ſurvivor, and ſuch money, (if any), which ſhall be produced by the ſale of ſuch materials as aforeſaid, ſhall be found inſufficient for the purchaſe of the ſaid piece of ground in *Dover Street*, and alſo for the erecting and building thereon, and fitting up for habitation, with the proper fixtures thereto, of ſuch commodious ſuitable manſion-houſe, offices, and ſtables for the future reſidence of the ſaid lord biſhop of *Ely*, and his ſucceſſors, the biſhops of the ſaid ſee, according to ſuch plan and deſign, and under ſuch proviſions and regulations as are hereinbefore directed touching the ſame; or if any opportunity ſhall hereafter offer for the purchaſing and buying in of the ſaid yearly reſerved rent of eighteen pounds ſo iſſued out of the ſaid houſe and premiſes in *Dover Street*, at a fair and reaſonable price, that then it ſhall and may be lawful to and for the ſaid *Owen Saluſbury Brereton*, and *Thomas Hunt*, and the ſurvivor of them, and the heirs and aſſigns of ſuch ſurvivor, with the conſent in writing of the ſaid lord biſhop of *Ely*, or his ſucceſſors, the biſhops of the ſaid ſee for the time being, to apply for and receive from the lords commiſſioners of his Majeſty's treaſury for the time being, who, or any three of them, are hereby authoriſed and required to iſſue their warrant for the payment of the ſame accordingly, all ſuch further ſum and ſums of money to be raiſed and taken in lieu and by way of redemption of the ſaid annuity or yearly ſum of two hundred pounds, or any part thereof, at the rate of thirty years purchaſe for the ſame, as ſhall be found wanting to complete ſuch purchaſe and building, and other the purpoſes aforeſaid, or for the purchaſing and buying of ſuch yearly reſerved rent, at a reaſonable price to be by them approved of, (ſo as that ſuch yearly rent be for ever thereafter diſcharged and extinguiſhed), and to apply and diſpoſe of the ſame accordingly, and the receipt or receipts of the ſaid *Owen Saluſbury Brereton*, and *Thomas Hunt*, and the ſurvivor of them, and the heirs

on application to the treaſury, further ſums to be iſſued.

heirs and aſſigns of ſuch ſurvivor, and of the biſhop of *Ely* for the time being, ſhall be a full diſcharge to the ſaid lords commiſſioners of the treaſury, or ſuch other perſon or perſons who ſhall pay the ſame, for whatever ſum or ſums of money ſhall be ſo paid in redemption of the ſaid annuity or yearly ſum, or any part thereof; and the ſaid annuity or yearly ſum of two hundred pounds from and after ſuch payment, or ſo much thereof as ſhall be ſo redeemed as aforeſaid, ſhall be, and remain from thenceforth extinguiſhed, and for ever diſcharged; any thing hereinbefore contained to the contrary thereof in any-wiſe notwithſtanding.

Such part of the annuity of 200l. as ſhall not be redeemed, ſhall remain to the biſhop of Ely.

XI. Provided moreover, and be it further enacted by the authority aforeſaid, That all ſuch part, ſhare, and property, and ſo much of the ſaid annuity or yearly ſum of two hundred pounds as ſhall not be ſo redeemed as aforeſaid, and the whole of the ſame annuity or yearly ſum of two hundred pounds, if no part thereof ſhall be ſo redeemed, ſhall be, remain, and enure unto and to the uſe of the ſaid lord biſhop of *Ely*, and his ſucceſſors, the biſhops of the ſaid ſee, as part of the revenues of the ſaid ſee, in truſt, nevertheleſs, and for the ſole end, intent, and purpoſe, and to be appropriated and ſet apart, from time to time, in the firſt place, to pay and diſcharge the ſaid yearly rent of eighteen pounds, ſo payable to the ſaid lord *Berkeley* of *Stratton*, his heirs and aſſigns, ſo long as the ſame ſhall continue payable, and the reſidue thereof to be paid and applied in inſuring the ſaid houſe and offices to be ſo built as aforeſaid in the *Sun Fire Office*, or other proper publick office, from fire, to the full value of the money to be expended in building the ſame, and in keeping the ſame, from time to time, ſo inſured, (and which inſurance the lords biſhops of the ſaid ſee are hereby required to make, from time to time, and at all times hereafter), and afterwards in making ſuch repairs, and other works and improvements in and about the ſaid houſe, offices, and buildings, to be ſo erected and built as aforeſaid, from and after the ſame ſhall be ſo erected and built, as to the biſhops of *Ely* for the time being ſhall ſeem expedient and proper, and ſubject thereto, to defray and diſcharge, from time to time, ſo far as the ſame will extend for that purpoſe, all parliamentary and parochial aſſeſſments, impoſitions, taxes, and other charges whatſoever to be impoſed or aſſeſſed upon the ſaid houſe, offices, and buildings, or the occupiers thereof, by authority of parliament, or otherwiſe, and the ſurplus thereof, (if any), to and for the uſe and benefit of the ſaid lord biſhop of *Ely*, and his ſucceſſors, as part of the revenues of the ſaid biſhoprick, without any further account to be rendered for the ſame.

Surplus of all ſums mentioned, to remain in the hands of Meſſrs Brereton and Hunt.

XII. And be it further enacted, That in caſe there ſhall remain any ſurplus of the before-mentioned ſums of ſix thouſand five hundred pounds, and three thouſand pounds, or either of them, or of the money to ariſe by the ſale of ſuch materials as aforeſaid, or any part thereof reſpectively, unapplied for the purpoſes before enacted and directed concerning the ſame, that then,

then, and in ſuch caſe, ſuch ſurplus, and every part thereof, ſhall remain and continue in the hands of the ſaid *Owen Saluſbury Brereton*, and *Thomas Hunt*, and the ſurvivor of them, and of the heirs and aſſigns of ſuch ſurvivor, with liberty to inveſt the ſame, from time to time, in parliamentary ſecurities in truſt, and to and for the ſeveral uſes, intents, and purpoſes, herein laſt enacted and declared, touching the ſaid annuity or yearly ſum of two hundred pounds, or ſo much thereof as ſhall not be redeemed as aforeſaid, and to and for no other uſe, intent, or purpoſe whatſoever.

Houſe and offices to be erected in Dover Street, to be called Ely Houſe.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid houſe, offices, and buildings, to be ſo erected and built in *Dover Street* aforeſaid, ſhall, from time to time, and at all times thereafter, be called and diſtinguiſhed by the name or appellation of *Ely Houſe*, and ſhall be, and be deemed and taken as and for the epiſcopal houſe of the ſaid ſee of *Ely*, within the ſaid city of *Weſtminſter*, and ſhall be ſtiled and called *Ely Houſe* in all deeds and writings; and that from thenceforth all rents reſerved in and by any leaſe or other writings heretofore granted or made by any former biſhop of *Ely*, in right of the ſaid ſee, which are made payable at the ſaid manſion-houſe in *Holbourn*, ſhall be paid at the ſaid houſe to be ſo erected and built, and herein-before directed to be called and ſtiled *Ely Houſe* as aforeſaid; and that it ſhall and may alſo from thenceforth be lawful to and for the biſhop of *Ely* for the time being to hear and determine all and all manner of appeals from all or any colleges in the univerſity of *Cambridge*, of which the ſaid biſhop is viſitor, or from any member or members thereof, at the beforementioned houſe to be ſo erected and built, and called and ſtiled *Ely Houſe* as aforeſaid, in the ſame manner in which he may now hear the ſame at the ſaid houſe in *Holbourn*, and in like manner to cite all and ſingular the parties concerned in ſuch appeals to appear thereat, and there to do and perform all ſuch other act, matter, and thing, relating to the viſitorial power, in as full and ample manner as any biſhops of *Ely* have heretofore been uſed to do and perform the ſame at the ſaid houſe in *Holbourn*.

All rents reſerved to be paid to the biſhop at Ely, &c.

XIV. Provided always, and be it further enacted by the authority aforeſaid, That in the mean time, and until ſuch new houſe, to be ſo erected and built as aforeſaid, ſhall be completed and become inhabited by the biſhop of *Ely* for the time being, the ſaid ſeveral rents ſo reſerved and made payable as aforeſaid, ſhall, from and after the paſſing of this act, be paid at the manſion-houſe of the ſaid biſhop of *Ely*, and his ſucceſſors, ſituate at *Ely* in *Cambridgeſhire*, or to his or their receiver-general in *London*, and the ſeveral viſitorial powers aforeſaid; and all matters and things incident or relating thereto ſhall likewiſe, in the mean-time, be exerciſed, done, and performed, at the dwelling-houſe of the biſhop of *Ely* for the time being, the ſame being within the cities of *London* or *Weſtminſter*, or at any other place within

within the ſaid cities, or one of them, which ſuch biſhop ſhall, from time to time, appoint.

Meſſrs Brereton and Hunt not to be accountable for money received by virtue of the truſts in them repoſed.

XV. And be it further enacted by the authority aforeſaid, That the ſaid *Owen Saluſbury Brereton* and *Thomas Hunt* ſhall not, nor ſhall either of them, or the heirs, executors, or adminiſtrators, of either of them, be anſwerable or accountable for any money to be received by virtue of the truſts hereby in them repoſed, or any otherwiſe than each perſon for ſuch ſum or ſums of money as he ſhall reſpectively actually receive, and that no one of them ſhall be anſwerable or accountable for the acts, neglects, or defaults of the others, or other of them; and alſo that the ſaid ſeveral truſtees, their reſpective heirs, executors, and adminiſtrators, ſhall and may, by and out of the truſt-monies to be by them received as aforeſaid, retain to and reimburſe themſelves all coſts, charges, damages, and expences, which they ſhall be reſpectively put unto in and about the execution of the truſts hereby in them reſpectively repoſed.

All right and property of the premiſes reſerved to his Majeſty, &c.

XVI. Saving always to the King's moſt excellent majeſty, his heirs and ſucceſſors, and to all and every other perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, (other than and except the ſaid *Edmund* lord biſhop of *Ely*, and his ſucceſſors, the lords biſhops of *Ely* for the time being, and all perſons claiming, or to claim by, from, or under, or in right of the epiſcopal ſee of *Ely*; and other than and except the ſaid *Lucy Chetwynd* and *Eſther Chetwynd*, and all and every perſons or perſon claiming, or to claim by, from, or under them, any or either of them, or by, from, or under the ſaid *William*, late lord viſcount *Chetwynd*, deceaſed,) all ſuch eſtate, right, title, intereſt, benefit, property, poſſeſſion, claim, and demand whatſoever, either at law or in equity, of, in, to, or out of the ſaid ſeveral houſes and buildings thereto reſpectively belonging, and other the premiſes herein-before reſpectively mentioned, or any part thereof, as they, every, or any of them, had before the paſſing of this act, or could or might have had or enjoyed if this act had not been made.

Publick act.

XVII. And be it further enacted, That this act ſhall be allowed in all courts whatever as a publick act; and all judges, juſtices, and other perſons, are hereby required to take notice thereof as ſuch, without ſpecially pleading the ſame.

CAP.

CAP. XLIV.

An act to enable his Majesty to grant the reversion or remainder in fee-simple, now vested in his Majesty, of and in an annual or fee-farm rent of one hundred and thirteen pounds, one of the several fee-farm rents granted to the right honourable Edward, *heretofore earl of* Sandwich, *by his late majesty King* Charles *the Second, unto the honourable* James Archibald Stuart, *and his heirs, upon a full and adequate consideration to be given by him, or his heirs, for the same.*

Preamble.

WHEREAS *his late majesty King* Charles *the Second, by his letters patent under the great seal of* England, *and inrolled in the high court of chancery, bearing date the third day of* February, *in the fifteenth year of his reign, did, for the considerations therein mentioned, give and grant unto the right honourable* Edward, *then earl of* Sandwich, *since deceased, and the heirs-male of his body lawfully begotten, (among several manors and lands, and other annual or fee-farm rents therein particularly mentioned) all that annual or fee-farm rent of one hundred and thirteen pounds of lawful money of* England, *issuing or reserved out of all those parks of* Bewbush *and* Shelley, *then disparked, with their and every of their rights, members, and appurtenances, in the county of* Sussex, *to hold to and to the use of the said* Edward *then earl of* Sandwich, *and the heirs-male of his body lawfully begotten, for ever, to be holden of his said late majesty King* Charles *the Second, his heirs and successors, of his manor of* East Greenwich, *in the county of* Kent, *by fealty only, in free and common soccage, and not in* Capite, *nor by any military service, and free from all rents and other services and demands whatsoever: and whereas the said annual or fee-farm rent of one hundred and thirteen pounds, one of the said fee-farm rents granted to the said* Edward, *late earl of* Sandwich, *as before is mentioned, was purchased by and became the estate and property of* Edward Wortley, *late of* Wortley, *in the county of* York, *esquire, deceased, the late grandfather of the honourable* James Archibald Stuart, *and father of the right honourable* Mary Wortley, *countess of* Bute *and baroness* Mountstuart, *wife of the right honourable* John *earl of* Bute: *and whereas the said* Edward Wortley *duly made and published his last will and testament in writing, bearing date the twenty-second day of* May, *one thousand seven hundred and fifty-five, and did thereby (among other things) give, devise, and bequeath all his fee-farm rent or fee-farm rents, arising in the said county of* Sussex, *unto the right honourable* Granville Leveson *earl* Gower, *and to* Godfrey Wentworth *esquire, and sir* Mathew Lamb *baronet, (both since deceased) and their heirs, in trust for the second and every other younger son of his daughter, the said countess of* Bute, *successively in tail general, and in default of such issue, in trust for the right honourable* John *earl of* Sandwich, *and the heirs-male of his body, and in default of such issue, to his the said testator's own right heirs: and whereas the said*

ſaid Edward Wortley *died ſoon after making his ſaid will, and the ſaid* James Archibald Stuart, *his grandſon, (who is the ſecond ſon of the ſaid* Mary Wortley, *counteſs of* Bute, *the ſaid teſtator's daughter) did thereupon, by virtue of the ſaid teſtator's will, become ſeiſed of, or intitled to, the ſaid fee-farm rent of one hundred and thirteen pounds, granted by the crown to the ſaid* Edward, *late earl of* Sandwich, *and veſted in the ſaid* Edward Wortley, *the teſtator, as aforeſaid, to him the ſaid* James Archibald Stuart, *and the heirs of his body, or to the truſt thereof: and whereas the ſaid* Godfrey Wentworth, *one of the truſtees and deviſees named in the ſaid will of the ſaid* Edward Wortley, *being unwilling to act in the truſts repoſed in him by the ſaid teſtator's will, did duly releaſe or convey to the ſaid earl* Gower *and ſir* Mathew Lamb, *the other truſtees named in the ſaid will, and to their heirs, all ſuch eſtate, right, title, and intereſt, as were veſted in him under the ſaid will, upon the ſeveral truſts mentioned in the ſaid will, concerning the ſeveral and reſpective eſtates thereby deviſed; and the ſaid ſir* Mathew Lamb *died ſome time afterwards, and upon his death the ſaid earl* Gower *became the only ſurviving truſtee, touching the ſeveral real eſtates of the ſaid teſtator, deviſed by his ſaid will; and he being deſirous to be releaſed from the ſeveral truſts thereby declared and created, and devolved on him, he did, purſuant to a decree of the high court of chancery, bearing date the ſixth day of* May, *one thouſand ſeven hundred and ſixty-nine made in a cauſe, wherein the ſaid* Mary Wortley, *counteſs of* Bute, *and the ſaid* James Archibald Stuart, *were complainants, and the ſaid* Granville Leveſon *earl* Gower, *and others, were defendants, releaſe and convey to and to the uſe of the moſt noble* Evelyn *duke of* Kingſton, *and* Edward Woodcock *of* Lincoln's Inn, *in the county of* Middleſex, *eſquire, their heirs and aſſigns, the ſeveral real eſtates of the ſaid teſtator* Edward Wortley, *deviſed by his ſaid will upon the truſts therein mentioned, and then veſted in him the ſaid earl* Gower: *and whereas the ſaid* James Archibald Stuart *being deſirous of barring and docking all eſtates-tail of and in the ſaid yearly fee-farm rent of one hundred and thirteen pounds, created and limited by the ſaid will of the ſaid* Edward Wortley, *his late grandfather, and all reverſions and remainders expectant or depending thereon, an indenture quadrupartite of bargain and ſale, inrolled in the ſaid high court of* Chancery, *bearing date the fifth day of* February, *one thouſand ſeven hundred and ſeventy-two, was duly made and executed by and between the ſaid* Evelyn *duke of* Kingſton, Edward Woodcock, *and* James Archibald Stuart, *of the firſt part;* Thomas Barnard *of* Lincoln's Inn *aforeſaid, gentleman, of the ſecond part;* Richard Thurſton *of* Lincoln's Inn *aforeſaid, gentleman, of the third part; and* Elborough Woodcock *of* Lincoln's Inn *aforeſaid, gentleman, of the fourth part; for the purpoſe of making a tenant of the free-hold, and ſuffering a commmon recovery of the ſaid annual or fee-farm rent of one hundred and thirteen pounds; and it was thereby declared, that the ſaid common recovery ſhould be and enure to the only uſe and behoof of the ſaid* James Archibald Stuart, *his heirs and aſſigns, for ever: and whereas the ſaid common recovery was accordingly ſoon afterwards duly ſuffered, but as the ſaid reverſion or remainder in fee of and in the*

the ſaid annual or fee-farm rent of one hundred and thirteen pounds is veſted in the crown, and will take place and effect in caſe of failure at any time of iſſue-male of the body of the ſaid Edward *late earl of* Sandwich, *and as ſuch reverſion in his Majeſty cannot be barred or deſtroyed, or diveſted out of the crown without the aid and authority of parliament; therefore, until ſuch act can be had and paſſed, the ſaid* James Archibald Stuart *cannot effectually ſettle, or give or deviſe the ſaid annual or fee-farm rent of one hundred and thirteen pounds, to which he is ſo intitled; nor can he ſell or diſpoſe of the ſaid fee-farm rent without great loſs and diſadvantage to himſelf and family: In order therefore that the ſaid* James Archibald Stuart *may be able to ſell or diſpoſe of the ſaid fee-farm rent of one hundred and thirteen pounds, in ſuch manner as he may think proper, he hath made his humble ſuit to your Majeſty, that your Majeſty would be graciouſly pleaſed to give leave that a bill may be brought into parliament to enable your Majeſty, your heirs and ſucceſſors, to grant the reverſion or remainder in fee-ſimple, ſo veſted in your Majeſty, of and in the ſaid annual or fee-farm rent of one hundred and thirteen pounds, unto and to the uſe of him the ſaid* James Archibald Stuart, *his heirs and aſſigns, for ever, upon a full and adequate conſideration to be paid by him or them for the ſame; and your Majeſty hath been graciouſly pleaſed to ſignify your conſent thereto:* may it therefore pleaſe your moſt excellent Majeſty, at the humble petition of the ſaid *James Archibald Stuart*, that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the King's moſt excellent majeſty, his heirs and ſucceſſors, at any time or times hereafter, by any letters patent, or indenture or indentures, under the great ſeal of *Great Britain*, hereafter to be made, to give and grant unto the ſaid *James Archibald Stuart*, and his heirs, upon a full and adequate conſideration to be paid by the ſaid *James Archibald Stuart*, or his heirs, for the ſame, to be valued and aſcertained by the proper officers of the crown for the time being, the ſaid annual or fee-farm rent of one hundred and thirteen pounds, granted, (among others,) by his ſaid late majeſty King *Charles* the Second to the ſaid *Edward*, late earl of *Sandwich*, in tail-male, and iſſuing and payable out of the ſaid parks, now or late called *Bewbuſh* and *Shelley* as aforeſaid, or out of the lands or grounds of which the ſaid parks do now conſiſt, in the ſaid county of *Suſſex*, and the reverſion and reverſions, remainder and remainders, of and in the ſaid annual or fee-farm rent, and all the eſtate, right, title, intereſt, inheritance, and property of his Majeſty, his heirs and ſucceſſors, of, in, to, or out of the ſame.

His Majeſty, his heirs, &c. by letters patent, to grant unto James Archibald Stuart, and his heirs, a fee-farm rent of 113l.

II. And be it further enacted by the authority aforeſaid, That ſuch grant of the ſaid annual or fee-farm rent to the ſaid *James Archibald Stuart*, and his heirs, as ſhall be made by his Majeſty, his heirs or ſucceſſors, by any ſuch letters patent, or indenture or indentures as aforeſaid, in purſuance of this act, ſhall be, and

Indentures by letters patent to be valid in law.

is hereby enacted to be good, valid, and effectual in the law, according to the tenor, purport, intent, and meaning of such grant, letters patent, or indenture or indentures, notwithstanding any restriction, or matter or thing contained in an act of parliament made in the first year of the reign of her late majesty Queen *Anne*, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of her crown*, or any other law, custom, usage, or statute, or any misrecital, nonrecital, omission, or other defect, in the said grant, letters patent, or indenture or indentures, hereafter to be made, in any-wise notwithstanding.

Saving to all persons all rights out of the fee-farm rent.

III. Saving to all and every person and persons whomsoever, their heirs, executors, and administrators, and all bodies politick and corporate, and their successors, (other than and except the King's most excellent majesty, his heirs and successors) all such estate, right, title, and interest, of, in, to, or out of the said annual or fee-farm rent of one hundred and thirteen pounds before mentioned, or any part thereof, as they or any of them have or hath, or might have had, if this act had not been made.

CAP. XLV.

An act for the better regulation of carters, carriages, and loaded horses; and for removing obstructions and nuisances upon the streets and highways within that part of Great Britain *called* Scotland.

Preamble.

WHEREAS *many accidents happen, and great mischief is frequently done upon the streets and highways within that part of* Great Britain *called* Scotland, *by the negligence or wilful misbehaviour of persons driving carriages: and whereas the law, as it now stands, is insufficient for correcting these abuses, or punishing the persons guilty of them*; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *September*, one thousand seven hundred and seventy-two, no person or persons whatsoever shall drive any cart, car, with or without ledges, or any waggon, sledge, or dray, of any kind whatsoever, upon the high roads or streets within that part of *Great Britain* called *Scotland*, unless the master or owner of such cart, car, with or without ledges, or such waggon, sledge, or dray, shall place upon some conspicuous part of such cart, car, with or without ledges, waggon, sledge, or dray, the name or names of the real owner or owners of any such carriage, and the place of residence of the real owner or owners of any such carriage, or of the house or farm where the owner or owners generally employ such carriage, in different colours from the body of such carriage; and also the numbers (beginning number one and so upwards) where more carts, cars,

After Sept. 1, 1772, no person shall drive any cart, car, or waggon, without the name of the owner, and his place of residence, to be placed on a conspicuous part of such cart;

and also the number of such carriage.

cars, or other carriages than one belong to the ſame perſon, in order that the driver may the more eaſily be convicted of any diſorder or miſbehaviour committed by him or her.

Offenders driving carts, &c without ſuch names and numbers, to forfeit not exceeding 20s. nor leſs than 5s. for every offence.

II. And be it alſo enacted by the authority aforeſaid, That if any perſon ſhall drive any of the before-mentioned carriages upon any of the ſaid high roads or ſtreets, not having the name or names of the owner or owners, and the place of their reſidence, or of the houſe or farm where the owner or owners generally employ ſuch carriage, and where more carriages than one belong to the ſame perſon, the number placed upon ſome conſpicuous part of the ſame; every ſuch perſon, offending in any of the caſes aforeſaid, or the owner or owners of ſuch carriage reſpectively, ſhall forfeit a ſum not exceeding twenty ſhillings ſterling, and not leſs than five ſhillings ſterling, for each offence committed by him, her, or them.

Names of carriages to be altered with the property, by ſucceeding owners, within 14 days after they become owners;

on penalty of 20s. and not leſs than 5s. for every offence.

III. And be it further enacted by the authority aforeſaid, That every time the property of any of the above carriages ſhall be altered, the ſucceeding owner or owners thereof ſhall, from time to time, within fourteen days next after he, ſhe, or they ſhall become owner or owners thereof and ſhall have uſed the ſame, cauſe the name or names and reſidence of the former owner or owners, and number thereof, to be taken off from every ſuch carriage before mentioned, and the name or names and place of reſidence of the ſucceeding and real owner or owners, and number thereof, where more carriages than one belong to the ſame perſon, to be placed in manner aforeſaid, upon ſome conſpicuous part of ſuch carriage or carriages; and every perſon or perſons who ſhall omit to do the ſame ſhall forfeit a ſum not exceeding twenty ſhillings ſterling, and not leſs than five ſhillings ſterling, for each offence.

Perſons placing falſe names on carriages to forfeit 40s.

IV. And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall place a falſe name or place of reſidence upon any ſuch carriage belonging to him, her, or them, the perſon or perſons ſo offending ſhall forfeit, for every ſuch offence, a ſum not exceeding forty ſhillings ſterling.

After Sept. 1, 1772, every chaiſe driver found ſitting in his chaiſe, without another perſon or one of the horſes;

or any carter, &c. riding on his carriage without a proper perſon on foot to guide it;

V. *And, in order that the inconveniences ariſing from the negligence of chaiſe drivers, carters, draymen, ſledgemen, carmen, and waggoners, and drivers of any other carriage whatſoever, may be the more eaſily prevented*; be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of *September*, one thouſand ſeven hundred and ſeventy-two, if any chaiſe driver within that part of *Great Britain* called *Scotland* ſhall be found ſitting in his chaiſe without another perſon on one of the horſes driving the ſame; or if any carter, drayman, carman, ſledgeman, or waggoner, or the driver of any other carriage whatſoever, (coaches, chaiſes, phaetons, curricles, chairs, and ſuch other carriages, which are uſually driven by a perſon ſitting within or upon the carriage, and ſuch carriages as are reſpectively drawn by one horſe only, or by two horſes abreaſt, and are conducted by ſome perſon holding the reins of ſuch horſe or horſes excepted,) ſhall ride upon any ſuch carriage, (not having ſome other perſon on foot

or on horſeback to guide the ſame,) on any ſtreet of any city or town, or on any highway within ſix miles of the city of *Edinburgh*, or four miles of the city of *Glaſgow*, or two miles of any other city, royal burgh, market town, or burgh of regality, or barony; or if the driver of any carriage whatſoever on any part of any ſtreet or highway ſhall, by negligence, or wilful miſbehaviour, cauſe any hurt or damage to any perſon or carriage, paſſing or being upon ſuch ſtreet or highway, or ſhall, by negligence, or wilful miſbehaviour, prevent, hinder, or interrupt the free paſſage of any other carriage, or of his Majeſty's ſubjects on the ſaid highways; or if the driver of any cart, car, dray, or waggon, on any highway whatſoever, when riding on his carriage, ſhall not diſmount (ſo as the better to guide his horſe or horſes and carriage) when required by any perſon apprehending danger from ſuch carriage; every ſuch driver offending in any of the caſes aforeſaid ſhall, for every ſuch offence, forfeit any ſum not exceeding ten ſhillings ſterling, in caſe ſuch driver ſhall not be the owner of ſuch carriage; and in caſe the offender be owner of ſuch carriage, then any ſum not exceeding twenty ſhillings ſterling.

within 6 miles of Edinburgh, 4 of Glaſgow, or 2 of any other city, &c. or if any driver ſhall negligentlyoccaſion any hurt or damage, or prevent the paſſage of any other carriage; or ſhall not diſmount when required by any perſon apprehending danger; Offenders in any of the ſaid caſes, ſhall forfeit 10s. if not the owners; and, if the owner, 20s. for each offence.

VI. *And whereas ſeveral inconveniences do ariſe, and many accidents have happened by carts, cars, and other carriages above mentioned, being drawn abreaſt or alongſide one another, ſo as the paſſage of the ſtreets and highways in that part of* Great Britain *called* Scotland *is entirely obſtructed, and alſo by the drivers of ſuch carriages not having bridles or halters upon their horſes*; be it therefore enacted by the authority aforeſaid, That from and after the ſaid firſt day of *September*, one thouſand ſeven hundred and ſeventy-two, no driver or drivers of carts, cars, or other carriages above mentioned, ſhall drive their carriage or carriages abreaſt or alongſide of any other carriage or carriages, ſo as wilfully to obſtruct the free paſſage of ſuch ſtreets and highways reſpectively, but ſhall follow one after another upon the ſame, and ſhall have bridles or halters upon every horſe in any of the above carriages, which bridles or halters upon the foremoſt horſe, ſhall (in all carriages not drawn by more than two horſes) be tied with a rope, or ſome other thing of ſufficient ſtrength, to the halter or bridle of the horſe behind, and which rope or bridle the driver of every ſuch carriage ſhall have in his or her hand; and every perſon offending in the premiſes ſhall forfeit a ſum not exceeding twenty illings ſterling, nor leſs than five ſhillings ſterling, for each offence.

No drivers of carts, &c. to drive alongſide of other carriages, ſo as to obſtruct the free paſſage,

but ſhall follow one after another, and have bridles or halters upon every horſe, which the driver ſhall have in his hand, &c. on penalty of 20s. nor leſs than 5s.

VII. *And whereas the free paſſage of his Majeſty's ſubjects is often obſtructed, and their perſons put in danger, from the preſent irregular and diſorderly method of driving horſes with or without loads, and by leaving carts, waggons, ſledges, coaches, chaiſes, and other carriages, after the horſes have been unyoked and taken from the ſame; and alſo ſtone, lime, timber, rubbiſh, and the bodies of dead horſes, and other animals, and other articles which do obſtruct ſuch free paſſage as aforeſaid, upon the ſtreets and highways, within that part of* Great Britain

called Scotland; be it therefore enacted by the authority aforeſaid, That from and after the ſaid firſt day of *September*, one thouſand ſeven hundred and ſeventy-two, no drivers of horſes or other beaſts of burthen with or without loads, ſhall drive their horſes or other beaſts of burthen abreaſt, ſo as wilfully to obſtruct the free paſſage of his Majeſty's ſubjects, or to put their perſons in danger, but ſhall, as much as may be, drive them in a line one after another in a regular manner, having a bridle or halter affixed to the head of each horſe or beaſt of burthen; and that the driver or owner of any cart, waggon, ſledge, coach, chaiſe, or other carriage, ſhall not be permitted to leave the ſame upon any ſtreet or highway within that part of *Great Britain* called *Scotland*, after the horſe or horſes have been unyoked and taken from ſuch cart, waggon, ſledge, or other carriage reſpectively, except only with reſpect to ſuch carriage, during ſuch reaſonable time as the ſame ſhall be loading or unloading; nor ſhall it be allowable to any perſon or perſons to leave ſtones, lime, timber, rubbiſh, the bodies of dead horſes, or of other animals, or other nuiſances, upon the ſtreets and highways aforeſaid, ſo as to obſtruct the free paſſage of the ſame; and that every perſon offending in the premiſes ſhall forfeit a ſum not exceeding twenty ſhillings ſterling, and not leſs than five ſhillings ſterling, for each offence.

No drivers to drive their horſes, &c. abreaſt, ſo as to obſtruct the free paſſage, but ſhall drive them in a line, one after another, with a bridle affixed to the head of each horſe, &c. nor ſhall the drivers of carts, &c. leave ſuch upon any ſtreet, &c. unyoked, except when loading and unloading, nor ſhall any perſon leave any ſtones, &c. upon ſtreets, &c. on penalty of 20s. nor leſs than 5s.

VIII. *And whereas many diſputes frequently happen between the drivers of loaded horſes and other beaſts of burthen, and the drivers of carts, and ſuch other carriages, and between the drivers of coaches, chariots, chaiſes, and ſuch like carriages, travelling upon any ſtreet or highway within the limits aforeſaid, about giving the way to, or making way for one another*; be it enacted by the authority aforeſaid, That the driver of every ſuch loaded horſe, horſes, or other beaſts of burthen, and the driver of every cart, car, or ſuch like carriage, and every coach, chariot, chaiſe, and ſuch like carriage, ſhall be obliged, upon meeting another loaded horſe, or other beaſt of burthen, or another carriage, of whatever kind, to make way, by holding or driving to his own left hand, or what is commonly called *Holding to the near Side*, and that without diſtinction, whether the carriages ſo meeting one another are loaded or unloaded; and that every perſon offending in the premiſes ſhall forfeit a ſum not exceeding twenty ſhillings ſterling, and not leſs than five ſhillings ſterling, for every ſuch offence.

Drivers of loaded horſes, &c. and drivers of carts, coaches, and carriages, ſhall on meeting other horſes or carriages, drive to the left hand or near ſide.

Penalty not exceeding 20s. nor leſs than 5s.

IX. And be it further enacted by the authority aforeſaid, That proſecutions againſt offenders, in reſpect of the ſeveral acts and neglects which are made puniſhable by this act, may be brought ſummarily before the ſheriff-depute or ſubſtitute, or any juſtice of the peace of the county within which the offence ſhall be committed, or before any of the magiſtrates of cities or boroughs where the offences have been committed within their juriſdiction, or before any other judge competent; and that judgement ſhall proceed and be given againſt the offender or offen-

Proſecutions againſt offenders to be brought before the ſheriff-depute, or ſubſtitute, &c. of the county or place where the offence is committed; and judgement to proceed on con-

offenders, either upon his or their own confeſſion, or upon the oath or oaths of one or more credible witneſſes.

Offenders to be apprehended for offences committed, by authority of the act.

X. And be it further enacted by the authority aforeſaid, That in all and every of the neglects and offences puniſhable by this preſent act, it ſhall be lawful for any perſon or perſons aggrieved, and intending to ſue for the recovery of the penalties authoriſed by this act, upon the authority of the ſame, and without any other warrant, to apprehend the offender or offenders, and either to carry him, her, or them, or cauſe him, her, or them to be carried, by the aſſiſtance of any peace officer or other perſon or perſons, before any juſtice of the peace, or other judge competent, within the bounds where the offences ſhall be committed; which judge is hereby impowered and required, upon conviction of the offender or offenders, by his or their own confeſſion, or the oath or oaths of one or more credible witneſſes, to deal with him, her, or them, in manner as herein before directed; and

and carried before any juſtice or judge competent.

Perſons who ſhall ſee offences committed, may, by authority hereof, detain horſes, carts, &c. till ſentence is pronounced; and in caſe the penalties adjudged ſhall not be paid, the judge to cauſe ſale to be made of the ſubjects detained.

any perſon or perſons, who ſhall ſee any of the offences before recited committed, ſhall and may, by the authority of this act, without any other warrant, ſeize and detain the horſes, carts, cars, ſledges, waggons, drays, coaches, chariots, landaus, and other ſuch like machines and carriages, and the horſes belonging to the ſeveral offenders, till ſuch time as ſentence ſhall be pronounced by the competent judge concerning the offence; and in caſe the penalties adjudged by him in conſequence of this act ſhall not be paid, or ſecurity found for the ſame, within twenty-four hours after conviction and ſentence, then the judge, before whom the offender ſhall be convicted, is hereby authoriſed and required to iſſue his warrant, directed to a conſtable or other peace-officer within his juriſdiction, to cauſe ſale to be made of the ſubject or ſubjects detained, in caſe the ſame happens to be the property of the offender or offenders, for raiſing the money forfeited by him or them, rendering to ſuch offender or offenders the overplus, after deducting the charges of ſale, and the expence of keeping the ſubject detained, both which ſhall be determined by the judge before whom the of-

Offenders may be committed, till ſatisfactory ſecurity be found.

fender or offenders are convicted; and in caſe the ſubject or ſubjects aforeſaid do not happen to be the property of ſuch offender or offenders, that then the ſame ſhall be returned to the lawful owner or owners thereof, and it ſhall be lawful for the judge aforeſaid, and he is hereby required, in caſe the fine ſhall not be inſtantly paid upon conviction, or ſatisfactory ſecurity given for the ſame, to commit the offender or offenders to gaol, there to remain until ſuch time as the fine ſhall be paid, or ſatisfactory ſecurity found for the ſame, or until the expiration of two months after ſuch commitment.

Offenders puniſhable by the act for maltreating any perſon whatever, to forfeit 20s. for every offence.

XI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, charged with being guilty of any of the offences made puniſhable by this act, ſhall, upon the ſeizure of, or an attempt to ſeize, under the authority of this act, his or their perſons or property, or the property of others, under their care as aforeſaid, reſiſt, abuſe, or maltreat any perſon

ſon or perſons whatſoever; or if any perſon ſhall aid or aſſiſt him, her, or them, in ſo doing, he, ſhe, or they ſhall reſpectively forfeit the ſum of twenty ſhillings ſterling for every ſuch laſt-mentioned offence; the offence to be proved, and judgement to proceed thereupon, in the ſame way and manner as herein-before provided for in the caſe of the other before-mentioned offences againſt this act.

Perſons apprehended for offences, refuſing to diſcover their names to the judge, to be committed.

XII. And be it alſo enacted by the authority aforeſaid, That if any perſon or perſons, who ſhall be apprehended for having committed any offence againſt this act, ſhall refuſe to diſcover his or her name and place of abode to any judge competent before whom he or ſhe ſhall be brought, ſuch perſon or perſons, ſo refuſing, ſhall be committed by the judge to any gaol of the county, there to remain until ſuch time as he, ſhe, or they, ſhall diſcover his, her, or their name or names, and place or places of abode.

Forfeitures arifing by the act to be applied one half to the informer, and the other to the collector of the land-tax.

XIII. And be it likewiſe enacted by the authority aforeſaid, That the fines and forfeitures ariſing from the offences made puniſhable by this act ſhall be applied, the one half to the informer or proſecutor, and the other half to the collector of the land-tax of the county within which the offence ſhall have been committed, and by him to be accounted for as part of the funds eſtabliſhed by law for the detection and puniſhment of vagrants within that part of *Great Britain* called *Scotland*.

No proſecution to lie, unleſs brought within three months after the offence was committed. Determination of the quarter-ſeſſions to be final.

XIV. Provided always, That no proſecution under this preſent act ſhall lie againſt any perſon or perſons whatſoever, unleſs the ſame ſhall be brought within three months of the time at which the offence or offences charged was or were actually committed: and that in all caſes an appeal ſhall lie againſt every ſentence or judgement of one or more juſtices of the peace, made under and by virtue of the powers given by this act, to the next quarter-ſeſſions of the peace for the county within which the offence was committed, whoſe determination ſhall be final; and that the ſaid appeal ſhall be competent to every perſon and perſons having an intereſt, and apprehending him, her, or themſelves to be aggrieved by ſuch ſentence and judgement.

Nothing herein to leſſen the juriſdiction of the royal boroughs.

XV. Declaring always, That nothing herein contained ſhall extend, or be conſtrued to extend, to limit, leſſen, or take away, any of the juriſdictions, powers, and authorities, rights, privileges, and immunities, of any of the cities and royal boroughs within that part of the united kingdom called *Scotland*, or of the magiſtrates and town council of the ſame, as contained in acts of parliament, or charters and other grants from his Majeſty and his royal predeceſſors; nor ſhall this preſent act be any way derogatory to, or in any reſpect whatſoever be underſtood to encroach, repeal, or take away the ſaid juriſdictions, rights, or immunities; any thing herein contained to the contrary notwithſtanding.

CAP. XLVI.

An act for the more effectual preventing of frauds in the revenues of excise with respect to tea, soap, low wines, and spirits.

Preamble. WHEREAS *by an act of parliament, made and passed in the tenth year of the reign of his late majesty King* George *the First, intituled,* **An act for repealing certain duties therein mentioned, payable upon coffee, tea, cocoa nuts, chocolate, and cocoa paste, imported, and for granting certain inland duties in lieu thereof; and for prohibiting the importation of chocolate ready made, and cocoa paste; and for better ascertaining the duties payable upon coffee, tea, and cocoa nuts, imported; and for granting relief to** *Robert Dalzell* **late earl of** *Carnwath*; *it was enacted, That no tea exceeding the quantity of six pounds weight should be removed or carried from any part of this kingdom by land or water, without such permit, or certificate, as is therein expressed and required: And by the said act it was further enacted, That every seller of and dealer in tea should, each night, enter into a book, kept for that purpose, an account of the gross quantity of tea, which he should retail or consume in each day in small quantities, under the weight of six pounds, and in one other book should enter, every night, every parcel of tea above the weight of six pounds which he should sell in each day: And whereas by the said recited act, no provision is made for distinguishing in such permits or certificates, or in such entries, the quality or colour of the tea so permitted or certificated, or so entered, in the said books, whereby great frauds and abuses have been committed, contrary to the true intent and meaning of the several acts of parliament relative to the duties on tea, and to the manifest prejudice of the fair trader in the said commodity; for remedy whereof, and for the greater and more effectual discouragement of the illegal and pernicious practice of unlawfully importing and clandestinely running of tea,* be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, one thousand seven hundred and seventy-two, all dealers in and sellers of tea, who shall then have, or from thenceforth receive into their custody any bohea, congo, souchong, or pekoe tea, shall, and are hereby obliged and directed, from time to time, to mark each and every canister, bag, jar, tub, box, cask, or other package, in which they shall keep any bohea, congo, souchong, or pekoe tea, with the word *Black*, and also to mark each and every canister, bag, jar, tub, box, cask, or other package, in which they shall keep any other kind of tea, not being bohea, congo, souchong, or pekoe tea, with the word *Green*, the said words *Black* and *Green* to be respectively marked on the most conspicuous part of such canister, bag, jar, tub, box, cask, and other package.

Act 10 Geo. I.

After June 24, 1772, all dealers in tea shall mark each canister, &c. with the words Black or Green, according to the contents of such canister, &c.

II. *And, for avoiding all doubts and controversies concerning the two*

two kinds of teas in this act mentioned, and distinguished by the names of Black Tea *and* Green Tea, it is hereby declared and enacted by the authority aforesaid, That by the term or name *Black Tea*, is meant all such teas as are usually called or known by the name of bohea, congo, souchong, or pekoe tea; and that by the term or name *Green Tea*, is meant all teas not being such bohea, congo, souchong, or pekoe tea.

Black Tea, and Green Tea, how to be distinguished.

III. And be it further enacted by the authority aforesaid, That from and after the twenty-fourth day of *June*, one thousand seven hundred and seventy-two, the officer and officers of excise who shall, from time to time, survey and take the stock of tea, at the ware-houses, storehouses, rooms, shops, cellars, vaults, and other places made use of for keeping tea by dealers in and sellers of tea, shall keep a separate and distinct account of the black tea, and of the green tea, which shall at any time be in their or any of their custody; and if such officer of excise shall find any increase either of green tea or of black tea, in the custody of any such dealer or seller, over and above the quantity of each respective sort which such officer found in such dealer or seller's custody at the time of such officer's last preceding survey upon such dealer or seller, such increase shall be deemed and taken to be made by tea for which no duties were paid, and which had been privately brought in by such dealer or seller without permit or certificate, and so much of the green tea or black tea respectively as shall be found so increased shall be forfeited and lost, and shall and may be seised and carried away by such officer of excise who shall so find the same, unless the owner thereof shall make it appear that the said increase was made by such green tea or black tea respectively brought in with an authentick permit or certificate of the payment of the duties thereof.

Officers of excise finding an increase of teas in the custody of dealers, to seize such increase, unless the owner produce a certificate of the payment of duties.

IV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and seventy-two, all dealers in and sellers of tea who shall sell or consume the same in small quantities, under the weight of six pounds, shall and are hereby obliged and directed to keep separate and distinct accounts of all the black tea, and of all the green tea, which they or any of them shall so respectively sell or consume in small quantities in each day, and shall, every night, enter into a book, to be kept for that purpose, an account of the gross quantities of the black tea, and also of the green tea, which have been by him, her, or them respectively so retailed or consumed in that day in small quantities under the said weight of six pounds; and the said dealers in and sellers of tea shall also keep one other book, wherein they shall make separate and distinct entries of all the black tea, and all the green tea, above the weight of six pounds, which they shall respectively sell in each day; which said books shall be provided, and the entries so to be made in the said books, shall be under the same directions, rules, regulations, penalties, and forfeitures, as are provided and enacted by the said above-recited act of the tenth of his late majesty King *George* the First.

Sellers of tea in small quantities, under 6 *lb.* weight, to keep distinct accounts of what quantity they retail of each sort.

Such entries to be under the directions provided by act 10 Geo. I.

V. And

No tea, exceeding 6 lb. weight, to be removed out of the kingdom without a permit;

V. And be it enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, one thousand seven hundred and seventy-two, no tea, exceeding the quantity of six pounds weight, shall be removed or carried from any part of this kingdom by land or by water without a permit or certificate, signed by one or more of the officers for the inland duties on tea, signifying and certifying the names and places of abode of the buyer and seller, and expressing the quantity and quality of the tea; that is to say, if the tea so to be removed or carried is bohea, congo, souchong, or pekoe tea, then to express in the permit or certificate that the same is black tea; and if the tea so to be removed and carried is neither bohea, congo, souchong, or pekoe tea, then to express in the permit or certificate that the same is *Green* tea, and also certifying that the inland duties chargeable upon tea have been duly paid and satisfied, upon pain of forfeiting the tea which is so found removing or carrying from one place to another without such permit or certificate, expressing the quality as abovesaid, together with the package in which the same shall be contained, which permit or certificate shall be left with the officer of the division to which the same shall be carried, to prevent the seizure thereof, in which permit or certificate the officer who grants the same shall express and limit the time for which the same shall continue in force.

expressing the quantity and quality of such tea, &c.

upon pain of forfeiture of such tea.

No tea to be sold by wholesale or retail, but out of the warehouses and shops approved of by act 10 Geo. I.

VI. *And whereas by the said recited act it is enacted, That no tea should be sold, uttered, or exposed to sale, but when the same should be in some warehouse or place entered for keeping the same, upon pain of forfeiting all such tea so sold, uttered, or exposed to sale, and treble the value thereof, together with the package containing the same: And whereas the penalty by the said act provided has by experience been found ineffectual, and ill-disposed persons have thereby been induced to carry tea which hath been clandestinely imported into this kingdom, from house to house, in small parcels, in diminution of the revenue, and to the great discouragement of the fair dealer in tea:* for remedy whereof, be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, one thousand seven hundred and seventy-two, if any tea, shall be sold, uttered, or exposed to sale, either by wholesale or retail, but when the same shall be in some or one of the warehouses, storehouses, rooms, shops, cellars, vaults, or other places, entered and approved as by the said act is directed, the person or persons so uttering, selling, or exposing to sale such tea, in any other place or places than those entered and approved as aforesaid, shall, for every such offence, forfeit and lose the sum of ten pounds, together with all the tea which shall be so sold, uttered, or exposed to sale.

Clause in act 5 Geo. III.

VII. *And whereas by a clause in an act of parliament, passed in the fifth year of the reign of his present Majesty, intituled,* An act for the better securing and further improving of the revenues of customs, excise, inland and salt duties, *it was enacted, That makers of hard soap should provide covers to their coppers, pans, and utensils, wherewith they should boil or make hard soap; which coppers, pans, and utensils, and also the pipe or pipes that conveyed the waste or*

salt

ſalt lees from ſuch copper, pan, or utenſil, the officers of exciſe were to lock and ſeal down in manner as in and by the ſaid act was particularly required and directed; and by the ſaid clauſe in the ſaid act it was enacted, That if by any art, device, or contrivance whatſoever, any ſuch maker of hard ſoap, ſhould open any copper, pan, or utenſil, or any pipe or pipes, after the ſame ſhould have been locked down and ſecured, and before the ſame had been unlocked and opened by the officer of exciſe, or ſhould wilfully break or damage any ſuch lock, ſeal, or faſtning, that every ſuch maker of hard ſoap ſo offending ſhould, for every ſuch offence, forfeit and loſe the ſum of twenty pounds: And whereas the ſaid penalty of twenty pounds by the ſaid act provided hath, by experience, been found ineffectual, and not ſufficient to prevent and reſtrain makers of hard ſoap from opening their coppers, pans, utenſils, and pipes, in regard the duties of one boiling of ſoap may, and often do, amount to much more than the ſum of twenty pounds, whereby ill-diſpoſed perſons have been encouraged and induced to open their coppers, pans, utenſils, and pipes, to the great diminution of the revenue ariſing by the duties laid upon ſoap, and to the prejudice of the fair traders, who duly pay the full duties for all ſoap by them made: for remedy whereof, be it further enacted by the authority aforeſaid, That if at any time after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, any maker of hard ſoap ſhall, by any art, device, or contrivance whatſoever, open, or cauſe to be opened, any copper, pan, or utenſil, or any pipe or pipes, that convey the waſte or ſalt lees from ſuch copper, pan, or utenſil, after the ſame ſhall have been ſecurely locked and ſealed down by the officer of exciſe, and before the ſame ſhall have been unlocked and opened by the officer of exciſe, or ſhall wilfully break or damage any ſuch lock or ſeal, or other faſtning, every ſuch maker or makers of hard ſoap, ſo offending in any of the ſaid caſes, ſhall, for every ſuch offence, forfeit and loſe the ſum of one hundred pounds.

Makers of hard ſoap opening any copper, &c. after being ſealed by the officer of exciſe;

or wilfully damaging any ſuch ſeal, ſhall forfeit 100l.

VIII. *And whereas by an act of parliament, paſſed in the thirty-third year of the reign of his late majeſty King* George *the Second, intituled,* An act for preventing the exceſſive uſe of ſpirituous liquors, by laying additional duties thereon; for ſhortening the prohibition of making low wines and ſpirits from wheat, barley, malt, or other grain, and from meal, flour, and bran; for encouraging the exportation of *Britiſh*-made ſpirits; and for more effectually ſecuring the duties payable upon ſpirits, and preventing the fraudulent relanding or importation thereof, it was enacted and declared, That perſons making or keeping any waſh, cyder, or other materials fit for diſtillation, and having in their poſſeſſion or occupation any ſtill or ſtills, containing ſeparately or together ten gallons or upwards, ſhould be deemed and taken to be common diſtillers for ſale, and ſhould be liable to the rates and duties of exciſe, and be ſubject to the ſurvey of the officer of exciſe, and to the ſeveral penalties and forfeitures impoſed by any act of parliament then in force, in anywiſe relating to diſtillers.

Act 33 Geo. II.

IX. *And whereas doubts have ariſen whether by the word* ſtill, *in the*

the ſaid clauſe mentioned, the body of the ſtill excluſive of the head of ſuch ſtill, is not to be underſtood; now to obviate all ſuch doubts, be it declared and enacted by the authority aforeſaid, That every ſtill, the cubic contents of which, when the head is on, will amount to ten gallons or upwards, is a ſtill containing ten gallons, or upwards, within the true meaning of the laſt recited act; and all and every perſon or perſons, having or keeping any waſh, cyder, or other materials fit for diſtillation, and having in his, her, or their poſſeſſion or occupation, any ſuch laſt-mentioned ſtill or ſtills, containing ſeparately or together ten gallons or upwards, proof being thereof made as by the laſt recited act is directed, ſhall be deemed and taken to be a common diſtiller for ſale, and ſhall be liable to the ſeveral rates, duties, penalties, and forfeitures, in and by the laſt recited act mentioned or referred unto.

Cubic contents of a ſtill, to be ten gallons, or upwards.

Perſons uſing ſuch ſtills, to be deemed common diſtillers.

X. Provided always, and be it further enacted by the authority aforeſaid, That ſuch offender, who ſhall be proſecuted for any of the penalties by this act given, ſhall not be proſecuted again for the ſame offence by any former act; and that ſuch offender, who ſhall be proſecuted for the penalty given by any former act, ſhall not be proſecuted again, for the ſame offence by virtue of this preſent act, or any thing herein contained.

Offenders proſecuted for penalties by this act given, not to be proſecuted again for the ſame offences by any former act.

XI. *And whereas great frauds are committed by corn diſtillers charging their ſtills, in the abſence of the officers of exciſe, with worts or waſh, of which no account has been taken by the ſaid officers, and the proviſions hitherto made have been found ineffectual to reſtrain ſuch practiſes*; for remedy whereof, be it enacted by the authority aforeſaid, That from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, every corn diſtiller, or maker of low wines or ſpirits from corn or grain, ſhall, at his, her, or their own expence, find, provide, and affix ſufficient faſtnings (to be approved of, in writing, by and under the hands of the reſpective ſurveyors or ſupervifors of exciſe of the diviſion or diſtrict in which every ſuch reſpective diſtiller or maker of low wines or ſpirits from corn ſhall reſide) to the heads of each and every low wine ſtill, and waſh ſtill, waſh pumps, and charging cocks, through which worts or waſh are conveyed into ſuch waſh ſtill or waſh ſtills belonging to, or uſed by, any ſuch diſtiller or maker as aforeſaid; which ſaid ſtill, heads, and charging cocks, and waſh pumps, ſhall, and they are hereby required, from time to time, to be ſecurely locked and ſealed by the officer of exciſe who ſurveys ſuch diſtiller and maker as aforeſaid, in manner as is herein-after directed; and ſuch locks and keys, as ſhall be neceſſary for ſecuring the ſaid ſtill heads, and charging cocks and waſh pumps, ſhall be provided by the reſpective ſurveyors or ſupervifors of exciſe of the diviſion or diſtrict in which ſuch reſpective diſtiller or maker of low wines or ſpirits ſhall reſide, at the expence of ſuch diſtiller or maker; and whenever any ſuch diſtiller or maker of low wines or ſpirits from corn, ſhall be deſirous of charging his ſtill or ſtills, or of uſing the charge cock or waſh pump ſo locked and ſealed, and ſhall have given notice as herein-after is directed, the officer of exciſe

Corn diſtillers and makers of low wines to provide and affix ſufficient faſtnings to the heads of every low wine ſtill, &c.

Locks and keys to be provided by ſurveyors or ſupervifors of exciſe.

ciſe ſhall attend to unlock and open the ſaid ſtill heads, charging cocks, and waſh pumps.

Diſtillers when they intend to open ſtills, to give notice in writing, four hours previous to the time, to one of the exciſe officers.

XII. And be it further enacted by the authority aforeſaid, That when any ſuch diſtiller or maker of low wines and ſpirits, whoſe ſtill-houſe or ſtill-houſes are under the ſurvey of the *London* officers, or is or are ſituate in *London* or *Weſtminſter*, or within any other city in *Great Britain*, ſhall be deſirous of opening his low wines ſtill or ſtills, or of charging his waſh ſtill or waſh ſtills, he, ſhe, or they ſhall give, or cauſe to be given, to one of the officers of exciſe, under whoſe ſurvey ſuch diſtiller or maker of low wines or ſpirits ſhall then be, a notice in writing at leaſt four hours before the particular hour or time of the day when he, ſhe, or they intend to charge ſuch ſtill or ſtills.

If diſtillers intend to open their ſtills between 12 at night and 6 in the morning, to give 12 hours previous notice.

XIII. Provided always, and be it further enacted, That if any diſtiller or maker of low wines or ſpirits, ſo ſituate as aforeſaid, ſhall be minded to open or to charge his ſtill or ſtills at any hour or time between twelve in the night and ſix in the morning; then, and in every ſuch caſe, every ſuch diſtiller or maker of low wines or ſpirits ſhall give the notice in writing, at leaſt twelve hours before the particular hour or time of the night when he intends ſo to open his low wine ſtill, or to charge his waſh ſtill or waſh ſtills; and every other corn diſtiller or maker of low wines or ſpirits from corn or grain, whoſe ſtill-houſe or ſtill-houſes is or are not ſituate in *London* or *Weſtminſter*, nor under the ſurvey of the *London* officers, nor in ſome other city in *Great Britain*, ſhall give or ſend at leaſt twelve hours notice, in writing, at the next office of exciſe, or to the proper officer under whoſe ſurvey ſuch laſt mentioned diſtiller or maker of low wines or ſpirits ſhall then be, of ſuch his or their intention of opening or charging their ſtill or ſtills: And in caſe any ſuch diſtiller or maker of low wines or ſpirits ſhall not begin to charge his ſtill or ſtills at the hour mentioned in ſuch notice, or within two hours next after the expiration of ſuch hour and time, then every ſuch notice ſhall be and is hereby declared void and null, and every ſuch diſtiller and maker of low wines and ſpirits ſhall be obliged to give a freſh notice before the officer ſhall be bound to open the heads of any ſuch ſtill or ſtills, or the ſaid charge cocks, or waſh pumps, ſo locked as aforeſaid.

Officers of exciſe to attend and inſpect, agreeable to ſuch notices.

XIV. And be it further enacted by the authority aforeſaid, That the officers of exciſe ſhall, from time to time, attend, agreeable to ſuch notices ſo to be given or left as before directed; and when and ſo ſoon as ſuch officer ſhall be at ſuch ſtill-houſe, every ſuch diſtiller or maker as aforeſaid, or his or their ſervants, ſhall, and they are hereby required to turn the diſcharge cocks of every waſh ſtill, that the officer may be ſatisfied that the ſaid waſh ſtill or waſh ſtills are really empty; and then, and not before, ſuch officer ſhall open the ſtills, cocks, and pumps, ſo locked and ſecured, and ſhall continue in the ſaid ſtill-houſe all the time that ſuch waſh ſtill ſhall be charging; and when the ſame ſhall be fully charged, ſhall immediately lock and ſecure as before, all the ſtill heads, waſh pumps, and charging cocks, to the waſh

waſh ſtills belonging or affixed, and ſhall leave them ſo locked and ſecured at all times.

Exciſe officers to attend all the time that ſtill heads and charge cocks are repairing.

XV. Provided always, That when and ſo often as it ſhall be found neceſſary to have ſuch ſtill heads or charge cocks, or waſh pumps open, for repairing or mending the ſame, or either of them; then, and in every ſuch caſe, it ſhall be lawful for the officers of exciſe ſo to do, for all the time the workmen ſhall be actually employed in repairing and mending the ſame; but the ſaid officers ſhall lock and ſecure all ſuch ſtills, waſh pumps, and charge cocks, every night, when and ſo ſoon as the ſaid workmen ſhall leave off their work; and in ſuch caſe, ſuch officers ſhall attend at ſix of the clock each morning, whilſt ſuch repairs are doing, in order to open ſuch ſtills, charge cocks, and pumps.

Diſtillers uſing other pipes or conveyances than thoſe entered to forfeit 100l.

XVI. And be it further enacted by the authority aforeſaid, That no ſuch diſtiller or maker of low wines, or ſpirits as aforeſaid, ſhall have any pipe or conveyance to the low wine ſtills from any other veſſel or utenſil, except the known and entered low wine caſk, on pain of forfeiting, for every ſuch conveyance, the ſum of one hundred pounds.

Diſtillers preſuming to diſtill, before ſufficient faſtnings are provided,

XVII. And be it enacted by the authority aforeſaid, That if any ſuch diſtiller or maker of low wines or ſpirits from corn, ſhall, after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, preſume to diſtil, or make low wines or ſpirits, before he, ſhe, or they ſhall have found, provided, and affixed ſufficient faſtnings, to be approved as aforeſaid, to every ſuch ſtill head, and to the charge cocks to each waſh ſtill and waſh pump to him, her, or them belonging, or by him, her, or them uſed, according to the directions of this act; or ſhall refuſe to pay for the locks and keys to be provided in purſuance of the directions of this act; or ſhall neglect or refuſe to turn the diſcharge cock of the waſh ſtills as required by this act; he, ſhe, or they, ſhall, for every ſuch offence, forfeit fifty pounds.

to forfeit 50l.

Perſons opening ſtill heads, &c. after being locked, to forfeit 200l.

XVIII. And if by any means, device, or contrivance whatſoever, any perſon ſhall open any ſtill head, or charge cock, or waſh pump, after the ſame ſhall have been locked and ſecured as aforeſaid, before the ſame ſhall have been opened by the officer of exciſe, or ſhall wilfully hurt or damage any ſuch lock, or other faſtening; every ſuch perſon ſhall, for every ſuch offence reſpectively, forfeit and loſe the ſum of two hundred pounds.

Penalty of obſtructing exciſe officers in doing their duty is 100l.

XIX. And it is hereby further enacted by the authority aforeſaid, That if any perſon or perſons ſhall obſtruct, hinder or oppoſe any of the ſaid officers, in the execution of any of the powers given to him by this act, the perſon or perſons offending therein ſhall, for every ſuch offence, forfeit the ſum of one hundred pounds.

Forfeitures and penalties recoverable by any law of exciſe, &c.

XX. And be it further enacted by the authority aforeſaid, That all fines, penalties, and forfeitures, impoſed by this act, ſhall be ſued for, recovered, levied, or mitigated, by ſuch ways, means, and methods, as any fine, penalty, and forfeiture, is or may be recovered or mitigated by any law or laws of exciſe, or by action of

of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, or in the court of exchequer in *Scotland*; and that one moiety of every ſuch fine, penalty, or forfeiture, ſhall be to his Majeſty, his heirs and ſucceſſors, and the other moiety to him or them who ſhall diſcover, inform, or ſue for the ſame.

Perſons moleſted for any thing done in purſuance of the act to plead the general iſſue.

XXI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, ſhall be ſued, moleſted, or proſecuted for any thing done by virtue or in purſuance of this act, ſuch perſon or perſons ſhall and may plead the general iſſue, and give this act, and the ſpecial matter, in evidence, in his or their defence or defences; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall diſcontinue his or their action or actions, or be non-ſuited, or judgement ſhall be given againſt him, her, or them, on demurrer or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts awarded to him or them againſt any ſuch plaintiff or plaintiffs.

Treble coſts.

CAP. XLVII.

An act to continue an act made in the fifth year of the reign of his late majeſty King George *the Second, intituled,* An act to prevent the committing of frauds by bankrupts, and for making proviſion for diſcharging bankrupts, in certain caſes, from their impriſonment.

Preamble.

WHEREAS *the law hereafter mentioned hath, by experience, been found uſeful and beneficial, and is near expiring*; may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That an act made in the fifth year of the reign of his late majeſty King *George* the Second, (intituled, *An act to prevent the committing of frauds by bankrupts,*) which was to continue in force from the twenty-fourth day of *June*, one thouſand ſeven hundred and thirty-two, for the ſpace of three years, and from thence to the end of the then next ſeſſion of parliament; and which, by ſeveral ſubſequent acts, made in the ninth and ſixteenth years of his ſaid Majeſty's reign, was further continued until the twenty-ninth day of *September*, one thouſand ſeven hundred and fifty; and by an act made in the twenty-fourth year of the reign of his ſaid late Majeſty, was amended and further continued until the firſt day of *September*, one thouſand ſeven hundred and fifty-ſeven; and which, by two ſubſequent acts, made in the thirty-firſt year of his ſaid late Majeſty's reign, and the fourth year of the reign of his preſent Majeſty, was further continued until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-one, and from thence to the end of the then next ſeſſion of parliament; ſhall be, and the

Act 5 Geo. II.

Act 9 & 16 Geo. II.

Act 24 Geo. II.

Act 31 Geo. II. and act 4 Geo. III.

Further continued until Sept. 29, 1775, and until the end of the following ſeſſion.

the ſame is hereby further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-five, and from thence to the end of the then next ſeſſion of parliament.

All perſons againſt whom commiſſions of bankruptcy have been awarded, and who were in cuſtody before March 25, 1772, for debts due before the commiſſions were iſſued,

II. *And whereas many perſons againſt whom a commiſſion of bankruptcy hath iſſued are, nevertheleſs, confined in priſon, though they have delivered up all their effects*; for relief therefore of ſuch perſons, be it enacted by the authority aforeſaid, That all and every perſon or perſons, againſt whom a commiſſion of bankruptcy has been awarded and iſſued, and who was or were in cuſtody on or before the twenty-fifth day of *March*, one thouſand ſeven hundred and ſeventy-two, for any debt due before ſuch reſpective commiſſions iſſued, and who have, or ſhall have, duly conformed themſelves to the ſeveral acts of parliament relating to bankrupts, and are not, nor have been, committed by any warrant of the commiſſioners in ſuch reſpective commiſſion named, for contumacy, or non-compliance with thoſe laws, that it ſhall and may be lawful for any one of the judges of the court wherein ſuch proceſs has iſſued againſt ſuch bankrupt or bankrupts, on petition of ſuch bankrupt or bankrupts, to ſummon his, her, or their plaintiff or plaintiffs to appear before him, to ſhew cauſe why ſuch bankrupt ſhould not be diſcharged from his, her, or their impriſonment, (ſuch bankrupt or bankrupts firſt making oath that ſuch debt or debts did accrue before the iſſuing out ſuch commiſſion;) and ſuch plaintiff or plaintiffs not appearing, or appearing and not proving that ſuch bankrupt or bankrupts has or have concealed any of his, her, or their effects, or that he, ſhe, or they has or have not conformed him, her, or themſelves to the laws againſt bankrupts, ſuch judge ſhall and may, by warrant or other inſtrument under his hand, diſcharge him, her, or them, from ſuch his, her, or their impriſonment for any debt or debts due before ſuch commiſſion iſſued, and ſuch bankrupt or bankrupts ſhall not be ſubject or liable to be arreſted for any debt or debts due or contracted before ſuch commiſſion iſſued; ſubject nevertheleſs, in every other reſpect, to the laws againſt bankrupts: And all and every ſheriff or ſheriffs, bailiff and officer, gaoler and keeper, are hereby required, on the delivery of ſuch warrant or inſtrument of diſcharge to ſuch ſheriff or ſheriffs, bailiff, or other officer, gaoler or keeper, to diſcharge ſuch bankrupt or bankrupts out of cuſtody accordingly; and they are hereby declared and enacted to be indemnified from any action or actions that ſhall or may be brought, commenced, or proſecuted againſt him, or them, for any eſcape or eſcapes for or on account thereof.

on proof not being produced of their having concealed their effects, or of their not having conformed to the laws againſt bankrupts, to be diſcharged from impriſonment, and all debts due before the commiſſion of bankruptcy iſſued.

Sheriffs, bailiffs, officers, &c. indemnified for eſcapes occaſioned hereby.

Bankrupts againſt whom a commiſſion hath been awarded before March 25, 1772,

III. *And whereas many bankrupts, from a fear of being arreſted and thrown under a long impriſonment, do abſcond and ſecrete themſelves from their homes, or go abroad into foreign parts, to the great diſtreſs of their families, and the detriment of this kingdom*; be it further enacted by the authority aforeſaid, That ſuch bankrupt or bankrupts, againſt whom a commiſſion of bankruptcy hath been awarded and iſſued on or before the ſaid twenty-fifth day of

of

of *March*, one thouſand ſeven hundred and ſeventy-two, who hath or have regularly ſubmitted to the ſame, and juſtly conformed him, her, or themſelves, to the ſeveral ſtatutes now in force concerning bankrupts, and who ſhall be hereafter arreſted and held to bail, or taken in execution for any debt or debts due and accruing before the date or dates of ſuch reſpective commiſſions, ſhall and may, after the expiration of forty days from the time of ſuch arreſt, in like manner, petition any one of the judges of the court wherein ſuch proceſs has iſſued; and ſuch judge is hereby authoriſed and required to diſcharge ſuch bankrupt or bankrupts in like manner, and on the like terms and conditions as are aforeſaid, and directed; and if ſuch bankrupt or bankrupts ſhall be afterwards arreſted for any other debt or debts alſo accruing before ſuch reſpective commiſſions iſſued, any judge of the court wherein ſuch proceſs iſſued ſhall, upon ſummons of the proper party or parties, immediately diſcharge ſuch bankrupt or bankrupts from ſuch arreſt; nevertheleſs ſuch bankrupt or bankrupts to be ſubject, in all other reſpects, to the laws relating to bankrupts, as aforeſaid.

and who have juſtly conformed to the ſtatutes in force concerning bankrupts, and who ſhall be hereafter arreſted for debts, may, by petition, be diſcharged, in like manner.

CAP. XLVIII.

An act for the more effectual preventing of frauds in the ſtamp duties, upon vellum, parchment, paper, and cards.

Preamble.

FOR *the more effectual prevention of ſeveral frauds, whereby his Majeſty's duties, granted by ſeveral acts of parliament in that behalf, on ſtamped velium, parchment, and paper, have been very much diminiſhed, the penalties thereon preſcribed being found inſufficient to deter offenders*; be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, at any time after the firſt day of *Auguſt*, one thouſand ſeven hundred and ſeventy-two, ſhall write or engroſs, or cauſe to be written or engroſſed, either the whole, or any part of any writ, mandate, bond, affidavit, or other writing, matter, or thing whatſoever, in reſpect whereof any duty is or ſhall be payable by any act or acts made, or to be made, in that behalf, on the whole, or any part of any piece of vellum, parchment, or paper, whereon there ſhall have been before written any other writ, bond, mandate, affidavit, or other matter or thing, in reſpect whereof any duty was or ſhall be payable as aforeſaid, before ſuch vellum, parchment, or paper, ſhall have been again marked or ſtamped, according to the ſaid acts; or ſhall fraudulently eraſe or ſcrape out, or cauſe to be eraſed or ſcraped out, the name or names of any perſon or perſons, or any ſum, date, or other thing, written in ſuch writ, mandate, affidavit, bond, or other writing, matter or thing, as aforeſaid; or fraudulently cut, tear, or get off, any mark or ſtamp, in reſpect whereof, or whereby, any duties are or ſhall be payable, or denoted to be paid or payable as aforeſaid, from any piece of vellum, parch-

After Aug. 1. 1772, perſons committing frauds on ſtamped vellum, &c.

ment, paper, playing cards, outside paper of any parcel or pack of playing cards, or any part thereof, with intent to use such stamp or mark for any other writing, matter, or thing, in respect whereof any such duty is or shall be payable, or denoted to be paid or payable as aforesaid; then, so often, and in every such case, every person so offending, in any of the particulars before mentioned, and every person knowingly and wilfully aiding, abetting, or assisting any person or persons to commit any such offence or offences as aforesaid, shall be deemed and construed to be guilty of felony, and, being thereof convicted by due course of law, shall be transported to some of his Majesty's plantations beyond the seas, for a term not exceeding seven years, according to the laws in force for the transportation of felons:

to be deemed guilty of felony; and, on conviction, to be transported.

And if they break prison, on return within the limitted time, to suffer death.

And if any such person or persons so convicted or transported shall voluntarily escape or break prison, or return from transportation before the expiration of the time for which he, she, or they shall be so transported as aforesaid, such person or persons being thereof lawfully convicted, shall suffer death as a felon, without benefit of clergy, and shall be tried for such felony in the county where he, she, or they shall be apprehended.

Persons discovering offenders, intitled to his Majesty's pardon.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall, after the said first day of *August*, one thousand seven hundred and seventy-two, commit any of the offences aforesaid, and afterwards, being out of prison, discover one or more persons who shall, since that time, have committed any of the offences aforesaid, so as such person or persons discovered shall be convicted of such offence or offences, he, she, or they, so discovering, shall have and be intitled to his Majesty's gracious pardon for all such offences by him or her committed at any time or times before such discovery made.

CAP. XLIX.

An act to explain and amend an act, made in the seventh year of the reign of his present Majesty, intituled, An act for altering the stamp-duties upon policies of assurance; and for reducing the allowance to be made in respect of the prompt payment of the stamp-duties on licences for retailing beer, ale, and other exciseable liquors; and for explaining and amending several acts of parliament relating to hackney coaches and chairs; *so far as the same relates to hackney coaches.*

Preamble. Act 7 Geo. III.

WHEREAS *by an act of parliament, passed in the seventh year of the reign of his present Majesty, intituled,* An act for altering the stamp-duties upon policies of assurance; and for reducing the allowance to be made in respect of the prompt payment of the stamp-duties on licences for retailing beer, ale, and other exciseable liquors; and for explaining and amending several acts of parliament relating to hackney coaches and chairs; *it is, amongst other things, enacted, That from and after the first day of* August,

Auguſt, one thouſand ſeven hundred and ſixty-ſeven, every coachman, licenced by the commiſſioners for regulating and licenſing hackney coaches, plying for hire within the city of London *or* Weſtminſter, *ſhould be obliged and compellable, on every day of the week, at ſeaſonable times, to go any where, within the diſtance of ten miles from the city of* London *or* Weſtminſter; *and in caſe of refuſal ſo to do, ſhould be liable to the like penalty or puniſhment as might by law then be inflicted in caſes of refuſal to carry for hire by licenced hackney coachmen: And whereas a doubt has ariſen, whether coachmen licenced by the ſaid commiſſioners, and who ply out of the ſaid cities, are by law obliged, on every day of the week, at ſeaſonable times, to go any where within the diſtance of ten miles from the ſaid cities*; may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid recited clauſe in the ſaid act, and all the powers and authorities thereby granted, ſhall, from the time of paſſing this act, be deemed, conſtrued, and taken to extend to all and every perſon and perſons ſo licenced, who ſhall ply for hire, as well within the weekly bills of mortality and the ſuburbs of the ſaid cities of *London* or *Weſtminſter*, as within the ſaid reſpective cities.

to extend to all licenced perſons in London and Weſtminſter.

II. *And whereas a great number of perſons, licenced by the ſaid commiſſioners to uſe and keep for hire hackney coaches, regularly uſe and employ the ſame as ſtated ſtages to and from different towns and places in the neighbourhood of the cities of* London *and* Weſtminſter, *and the borough of* Southwark, *which is of great publick utility and convenience, ſome of which towns and places are within, and others without the weekly bills of mortality: And whereas a doubt has ariſen whether by the laws now in force relating to hackney coaches, ſuch perſons being licenced in the uſual and general form, are not compellable to do the ordinary work of hackney coaches, and to carry fares for hire, to any parts or places within the cities of* London *or* Weſtminſter, *or within the diſtance of ten miles thereof, which would be attended not only with great inconvenience to the inhabitants of ſuch towns and places, but might alſo be a great leſſening to his Majeſty's revenue ariſing from hackney coaches*; be it further enacted by the authority aforeſaid, That from and after the paſſing of this act, the ſaid commiſſioners for licenſing and regulating hackney coaches, or any other perſon or perſons having authority to put any of the laws in execution concerning licenced hackney coachmen, their renters, or their drivers, ſhall not be compelled or compellable to fine or puniſh any licenced hackney coachman, his renter or driver, for refuſing to carry a fare out of the ordinary courſe of his ſtage-work or duty, who ſhall regularly uſe and employ his coach, ſo licenced, as a ſtage coach to and from any of the towns or places in the neighbourhood of the ſaid cities of *London* and *Weſtminſter*; and who ſhall alſo, by painting in legible characters on the door of ſuch coach, or by a board, to be painted in legible characters, and affixed on the door of every ſuch coach, plainly

Commiſſioners not to fine or puniſh any ſtage coach renter or driver.

plainly denote and diſtinguiſh the ſame to be a ſtage coach to and from any ſuch town or place; any thing in the above recited act, or in any other act relating to hackney coaches, to the contrary notwithſtanding.

CAP. L.

An act for encouraging the manufacture of leather, by lowering the duty payable upon the importation of oak bark, when the price of ſuch bark ſhall exceed a certain rate, for a limited time.

Preamble. WHEREAS *the manufacture of leather is of importance to the trade of this kingdom: And whereas oak bark has of late riſen greatly in its price, and the preſent duties upon the importation of foreign bark amounts to a total prohibition of the ſame*; may it pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty-fifth day of *June*, in this preſent year, one thouſand ſeven hundred and ſeventy-two, all ſubſidies, cuſtoms, duties, and impoſitions whatſoever impoſed, and now payable by virtue of any act or acts of parliament on the importation of oak bark into *Great Britain*, ſhall ceaſe, determine, and be no longer paid or payable.

After June 25, 1772, all cuſtoms payable by former acts to ceaſe.

Duty of 1 d. *per cwt.* to be paid on importation of foreign bark.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty-fifth day of *June*, there ſhall be paid on the importation of oak bark a duty of one penny for each hundred weight of oak bark ſo imported into this kingdom; which ſhall and may be raiſed, levied, collected, and recovered by ſuch ways and means, and under ſuch rules, regulations, penalties, and forfeitures, as the duty for any goods or merchandiſe imported into *Great Britain* may be raiſed, levied, collected, or recovered by any act of parliament now in force, as fully and effectually to all intents and purpoſes, as if the ſeveral clauſes, powers, directions, penalties, and forfeitures relating thereto, were particularly repeated and re-enacted in the body of this preſent act.

When the price is under 10 l. *per* load; or, in the rind, 2 l. 10 s.

no oak bark to be imported.

III. Provided always, That at all times hereby, when the price of oak bark ſhall be under ten pounds for the load of hatch bark, containing forty-five hundred weight, delivered at the buyers warehouſes in the city of *London*, or within the weekly bills of mortality, or when the price of oak bark in the rinds ſhall be under two pounds ten ſhillings for the load of rinds, containing thirty yards, when the ſame are ſet three rinds thick with two ſkirts and a cover, delivered at the buyers warehouſes within the city of *London*, or weekly bills of mortality; then, and in either of theſe caſes, no oak bark whatſoever ſhall be allowed to be imported into *Great Britain*, any thing in this act, or any other act of parliament, to the contrary notwithſtanding.

IV. And be it further enacted, That if any perſon or perſons ſhall

shall import, or cause to be imported, any oak bark, when the price of the load of hatch is in *London*, and within the weekly bills of mortality, delivered at the buyers warehouses under the price of ten pounds *per* load of hatch, or when the price of the load of rinds shall be under two pounds ten shillings for the load of rinds, when the same are set, and containing as aforesaid, delivered at the buyers warehouses within the city of *London*, or weekly bills of mortality, such oak bark so imported shall be forfeited, and the importer thereof shall, over and above, forfeit and pay the sum of twenty pounds for each load of hatch or rinds so imported; to be recovered and applied in manner herein-after directed.

Persons importing oak bark, when the price is as last mentioned, shall forfeit the same, and 20*l.* penalty each load.

V. *And, in order to ascertain the price of oak bark in* London, *and within the weekly bills of mortality*, be it enacted by the authority aforesaid, That from and after the said twenty-fifth day of *June*, one thousand seven hundred and seventy-two, a register or registers shall be kept by the clerk of the tanners company of the prices at which oak bark is bought by all and every person or persons residing in *London*, or within the weekly bills of mortality, or by any other person or persons, for the use of any such person or persons.

To ascertain the price within the bills of mortality, registers to be kept by the clerk of the tanners company.

VI. And be it further enacted, That all and every person or persons who shall have purchased, or caused to be purchased, five loads of hatch bark, each load containing forty-five hundred weight, shall, within ten days after such bargain or purchase, give, or cause to be given in to the clerk of the tanners company, a note in writing, specifying the date of such bargain or purchase, the name or names of the purchaser or purchasers, the name or names of the seller or sellers, and their respective places of abode, and also the quantity of hatch so purchased, together with the price paid, or to be paid for the same, and shall deliver and pay to the clerk, with every such note, one shilling; and the clerk of the said company shall, within twenty-four hours after receiving such note in writing as aforesaid, enter the same in a book or books to be kept for that purpose; and in case any tanner or other person or persons residing in *London*, or within the weekly bills of mortality, shall purchase any oak bark in the rinds, or by any other mode or manner whatsoever, amounting in quantity to twenty loads of rinds, each load containing thirty yards of rinds, when the same are set three rinds thick as aforesaid, such person or persons so purchasing shall, within ten days after such purchase, give, or cause to be given in to the clerk of the tanners company, a note in writing, specifying the date of such bargain or purchase, the name or names of the purchaser or purchasers, and seller or sellers, and their respective places of abode, and the quantity of rinds or bark so purchased by the load, each load containing thirty yards of rinds, when the same are set three rinds thick as aforesaid, the price paid or to be paid for the same, together with the county in which such bark was taken of the trees; and shall also deliver and pay to the clerk, with every such note, the sum of one shilling;

Persons purchasing five loads, shall, within ten days after the bargain, give in to the said clerk a note, specifying the date, &c.

to be entered by the said clerk, &c.

and to pay 1*s.* to the clerk.

ing; and the clerk of the ſaid company ſhall, in like manner, within twenty-four hours after receiving ſuch note in writing, as aforeſaid, enter the ſame in a book or books to be kept for the purpoſe.

Regiſter may be inſpected without fee.

VII. And be it further enacted, That ſuch regiſter and regiſters, book or books, ſo to be kept as aforeſaid, ſhall and may be inſpected, at all convenient times, by any perſon or perſons whatſoever, without any fee or reward to be demanded or taken for the ſame.

The average price for one month preceding the date of the purchaſe,

VIII. And be it further enacted, That when it ſhall appear, from the entries to be made as aforeſaid, that the average price of the hatch bark does amount to ten pounds *per* load, each load containing forty-five hundred weight, or that the average price of rind bark does amount to two pounds ten ſhillings *per* load, each load containing thirty yards of rinds when the ſame are ſet three rinds thick as aforeſaid, delivered at the buyers warehouſes; then, or in any of theſe caſes, it ſhall and may be lawful for three or more of the ſaid purchaſers of hatch or rind bark as aforeſaid, within the city of *London*, or weekly bills of mortality, and

to be certified to the lord mayor, &c.

they are hereby required to certify to the lord mayor of the city of *London*, or any two of the aldermen thereof, the average price of the load of hatch or rind bark, (each load reſpectively containing as aforeſaid,) for the ſpace of one month preceding; and the ſaid three or more purchaſers ſhall reſpectively make oath, that the note given in by them to the clerk of the tanners company, contain a true account of the price paid for the bark; and

and by him ſigned, and delivered to the officer of the cuſtoms; who ſhall publiſh the ſame in the Gazette; and then no more than 1 d. *per cwt.* to be demanded.

the ſaid clerk of the tanners company ſhall make oath of the truth of his entries agreeable to the notes in writing ſo delivered in to him as aforeſaid, whereupon the ſaid mayor or aldermen ſhall, and they are hereby required to ſign the ſame, and to deliver the ſame, as ſoon as conveniently may be, to the collector or receiver of his Majeſty's cuſtoms at the port of *London*, who ſhall, and is hereby required to publiſh the ſame in the *London Gazette*; from and after which publication, no more than one penny *per* hundred weight ſhall be demanded or taken by any officer of his Majeſty's cuſtoms, or any other perſon whatſoever, on the importation of any oak bark into *Great Britain*.

On the firſt Tueſday of every month the ſaid clerk to certify to the lord mayor, &c. the average price.

IX. And be it further enacted, That on the firſt *Tueſday* of every month, after the importation of oak bark ſhall be permitted in manner aforeſaid, the clerk of the ſaid tanners company ſhall, in writing, certify upon oath to the lord mayor of the city of *London*, or any two of the aldermen thereof, the average price of oak bark by the load of hatch or rinds, each load reſpectively containing as aforeſaid; for which certificate the ſaid clerk ſhall receive a fee of ſix ſhillings and eight-pence; and if from ſuch certificate it ſhall appear that the price of oak bark is under ten pounds the load of hatch, or that the price of rind bark is under two pounds ten ſhillings the load, each load of hatch and rind containing reſpectively as aforeſaid, then the ſaid

to be ſigned and publiſhed in the Gazette,

certificate ſhall be ſigned and tranſmitted to the collector of the cuſtoms as aforeſaid, and ſhall be publiſhed in the next *London Gazette*;

Gazette; from and after which publication no oak bark ſhall be imported into this kingdom till the price ſhall amount to ten pounds *per* load of hatch bark, or to two pounds ten ſhillings *per* load of rind bark, each load containing reſpectively as aforeſaid, and the importation thereof be again permitted in manner above directed. Provided always that no certificate to be produced to the lord mayor or aldermen as aforeſaid ſhall affect the importation of oak bark, unleſs it ſhall appear that the quantities purchaſed within the ſpace of one month, and duly regiſtered as directed by this act, ſhall exceed one hundred loads of hatch, or three hundred loads of rind bark, each load containing reſpectively as aforeſaid. Proviſo.

X. And be it further enacted, That if any perſon or perſons purchaſing bark within the limits aforeſaid ſhall neglect, for the ſpace of fourteen days, to give in a note in writing to the clerk of the tanners company of his or their purchaſe or purchaſes, purſuant to the directions of this act, or ſhall give in a falſe note, or a note deficient in any of the particulars aforeſaid, every perſon or perſons ſhall, for every ſuch offence, forfeit the ſum of twenty pounds; to be recovered and applied in manner herein after directed: And if the clerk of the ſaid tanners company ſhall refuſe or neglect, for the ſpace of three days, to enter the ſaid note or notes, after the ſame ſhall be delivered to him as aforeſaid, he ſhall, for every ſuch offence, forfeit and pay the ſum of ten pounds; to be recovered and applied in manner herein after directed. Perſons neglecting to give in notes as directed, to forfeit 20l. Clerk neglecting to enter ſuch to forfeit 10l.

XI. Provided always, That if any perſon or perſons ſhall *bona fide* give any order or orders for the importation of oak bark, during the time that ſuch bark was allowed to be imported, on payment of the duty of one penny *per* hundred weight, but which bark ſhall not arrive till after the importation thereof was ſtopped in manner aforeſaid, ſuch oak bark ſhall and may, (upon ſufficient proof being made to the collector of the cuſtoms, by producing copies of the orders and affidavits to verify the ſame, that the orders for ſuch bark were given while the ſame was allowed to be imported upon payment of the ſaid duty,) be entered and imported upon payment of the duty aforeſaid. Orders given during the time allowed hereby to be valid.

XII. And be it further enacted, That if the ſaid lord mayor or aldermen ſhall, within the ſpace of ten days after ſuch certificate has been made and delivered as aforeſaid, have reaſon to ſuſpect, or if affidavit ſhall be made before him or them that the ſaid certificate was not truly or *bona fide* made, or that the ſame does not contain the true particulars of the bargains therein ſpecified; then, and in any ſuch caſe, it ſhall be lawful for the ſaid mayor or aldermen, and he or they are hereby required, to ſummon before him or them reſpectively any perſon or perſons, and to examine them reſpectively upon oath, which oath the ſaid mayor or aldermen are hereby authoriſed to adminiſter, touching the rates and prices of oak bark, or any other matter or thing contained in the ſaid certificate. Lord mayor, &c. to ſummon and examine offenders upon oath.

XIII. And be it further enacted, That if any perſon or per-

Perſons guilty of perjury, liable to legal penalties.

ſons ſwearing to the certificates, or to the entries and notes as above directed, or who ſhall be examined on oath, purſuant to the directions of this act, ſhall wilfully forſwear him or herſelf, or themſelves, every ſuch perſon or perſons ſhall be ſubject and liable to be proſecuted as for perjury by indictment or information by due courſe of law; and, if convicted, ſhall be liable to the pains and penalties that perſons convicted of wilful and corrupt perjury are ſubject and liable to.

Condemned bark, and all penalties inflicted, recoverable by action of debt, &c.

XIV. And be it further enacted, That all ſuch oak bark which ſhall be ſeized and condemned in purſuance of this act, and all penalties and forfeitures whatſoever by this act inflicted, ſhall and may be ſued for, proſecuted, and recovered in any of his Majeſty's courts of record at *Weſtminſter*, by action of debt, bill, plaint, or information, in the name of his Majeſty's attorney-general, or in the name or names of the officer or officers of the exciſe or cuſtoms, who ſhall ſeize the ſaid oak bark; and one moiety of the clear produce ariſing from the ſale of all ſuch goods, and of the penalties and forfeitures inflicted by this act, after all charges deducted, ſhall belong to his Majeſty, his heirs and ſucceſſors, and the other moiety thereof to the perſon or perſons who ſhall ſeiſe, inform, or proſecute for the ſame.

and to belong to his Majeſty.

Act to continue in force for five years.

XV. And be it further enacted by the authority aforeſaid, That this act ſhall continue and be in force for the term of five years, and from thence to the end of the then next ſeſſion of parliament.

CAP. LI.

An act for continuing an act, made in the tenth year of the reign of his preſent Majeſty, to prevent the further ſpreading of the contagious diſorder among the horned cattle in Great Britain.

Preamble.

Act 10 Geo. 3.

WHEREAS *an act, made in the tenth year of the reign of his preſent Majeſty, (intituled,* An act to prevent the further ſpreading of the contagious diſorder among the horned cattle in *Great Britain), was to continue in force from the commencement thereof until the twenty-ninth day of* September, *one thouſand ſeven hundred and ſeventy-one, and from thence to the end of the then next ſeſſion of parliament: and whereas ſuch contagious diſorder ſtill prevails among the horned cattle in ſeveral parts of* Europe; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid act ſhall be, and the ſame is hereby declared to be further continued, from the expiration thereof, until the twenty-ninth day of *September*, in the year of our Lord one thouſand ſeven hundred and ſeventy-four, and from thence to the then next ſeſſion of parliament.

further continued till Sept. 29, 1744, and to the end of the next ſeſſion of parliament.

CAP.

CAP. LII.

An act to enable the lords commissioners of his Majesty's treasury to order and allow, out of the money arising by the coinage duty, a certain sum therein mentioned, for the expences of prosecuting offenders against the laws relating to the coin, in the year one thousand seven hundred and seventy, over and above the sum yearly allowed for that service.

Preamble.

WHEREAS *by an act made in the fifteenth year of the reign of his Majesty King* George *the Second, (intituled,* An act for the more effectual preventing the counterfeiting of the current coin of this kingdom, and the uttering or paying of false or counterfeit coin,) *it is, (amongst other things) enacted, that the lord high treasurer, or the lords commissioners of the treasury for the time being, shall and may order and allow out of the money arising by the coinage duty, such sums of money for defraying the expences of prosecuting offenders against the laws relating to the coin, as he or they shall see fit; provided the said expences do not, in any one year, exceed the sum of six hundred pounds: and whereas the expences necessarily incurred in prosecuting such offenders, in the year one thousand seven hundred and seventy, amounted to the sum of one thousand one hundred and thirty-six pounds, nineteen shillings, and ten-pence, over and above the said sum of six hundred pounds, yearly allowed for that service; and as the law now stands the said sum of one thousand one hundred and thirty-six pounds, nineteen shillings and ten-pence, cannot be brought to account;* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, or the high treasurer for the time being, shall and may, out of the money arising by the coinage duty, order and allow such further sum, not exceeding one thousand one hundred and thirty-six pounds, nineteen shillings and ten-pence, for the expences of the said prosecutions, in the said year one thousand seven hundred and seventy, over and above the said six hundred pounds, limited yearly; the said recited act, or any other law, statute, provision, or usage, to the contrary notwithstanding.

Lords of the treasury to allow a sum necessary for the expence of prosecutions in the year 1770.

CAP. LIII.

An act to enable the lords of the treasury to discharge the executors of lady Anne Jekyll *from a debt due to his Majesty, for the use of the sinking fund, upon payment of the same into the exchequer.*

Preamble.

WHEREAS *by an act, made in the twentieth year of the reign of his late Majesty King* George *the Second, intituled,* An act to enable his Majesty to allow to the residuary Legatees of sir *Joseph Jekyll* knight, late master of the rolls, deceased, part of

of the legacy given by his will, to the uſe of the ſinking fund; *reciting, amongſt other things, That the ſaid ſir* Joſeph Jekyll, *by his laſt will and teſtament, had given his* Eaſt India *and* South Sea *ſtock to his Majeſty, his heirs and ſucceſſors, kings or queens of* England, *to be applied to the uſe of the ſinking fund, in ſuch manner as ſhould be directed by act of parliament; and that the ſaid ſir* Joſeph Jekyll *had ſeveral times expreſſed his intention to make a competent proviſion for the ſupport of ſeveral of his relations, and, for that end and purpoſe, had deviſed to them all the reſidue of his real and perſonal eſtate in manner therein mentioned, and that the value of the eſtate bequeathed to the ſaid legatees was ſo reduced, that ſeveral of them would be expoſed to indigence and diſtreſs, unleſs ſome relief were granted to them by parliament: and it was therefore enacted, That it ſhould and might be lawful for his Majeſty, his heirs and ſucceſſors, by warrant or order under his or their ſign manual, to permit* Joſeph Jekyll, (*the executor of the will of the ſaid ſir* Joſeph Jekyll) *his executors, adminiſtrators, or aſſigns, to ſell ſo much of the* Eaſt India *and* South Sea *ſtock, deviſed as aforeſaid, as would enable him or them to raiſe, for the benefit of the ſaid reſiduary legatees, the ſum of thirteen thouſand five hundred and eighty-two pounds, nine ſhillings, and two-pence, to be applied by him or them in the ſame manner as the real and perſonal eſtate of the ſaid ſir* Joſeph Jekyll *was by his ſaid will directed to be applied: and whereas, in purſuance of the ſaid recited act, his late Majeſty did, by warrant or order under his ſign manual, impower the ſaid* Joſeph Jekyll *to ſell the ſaid* South Sea *ſtock and* Eaſt India *ſtock, and to apply thirteen thouſand five hundred and eighty-two pounds, nine ſhillings, and two-pence, part of the money ariſing by ſale of the ſaid ſtocks, for the benefit of the reſiduary legatees of the ſaid ſir* Joſeph Jekyll, *in the ſame manner as his real and perſonal eſtate were by his ſaid will directed to be applied; and the remainder, ariſing by ſuch ſale, into the exchequer purſuant to the ſaid will, to be applied to the ſame uſes as the ſinking fund was applicable; and thereupon the ſaid* Joſeph Jekyll, *ſoon afterwards, at ſeveral times within the month of* October, *in the year one thouſand ſeven hundred and forty-ſeven, did ſell ten thouſand pounds* Eaſt India *ſtock, then ſtanding in the name of ſir* Joſeph Jekyll, *at ſeveral prices, amounting together (after a deduction of commiſſion and the charges of the ſeveral transfers) to the ſum of fifteen thouſand eight hundred and ſeventy-two pounds, fourteen ſhillings, the ſurplus whereof, after deducting the ſaid ſum of thirteen thouſand five hundred and eighty two pounds, nine ſhillings and two-pence, being the ſum of two thouſand two hundred and ninety pounds, four ſhillings, and ten-pence, ought to have been paid into the receipt of the exchequer, purſuant to the directions contained in the ſaid ſign manual: and whereas the ſaid* Joſeph Jekyll *afterwards, namely on or about the ſeventeenth day of* November, *one thouſand ſeven hundred and fifty-two, departed this life, and lady* Anne Jekyll, *widow, and adminiſtratrix, with the teſtamentary ſchedule annexed of the ſaid* Joſeph Jekyll, *is ſince deceaſed, after making her laſt will and teſtament, but without having paid the ſaid ſurplus, or any part thereof, into the exchequer, and the ſame ſtill remains due and unpaid: and*

whereas the executors of the will of the ſaid lady Anne Jekyll *are deſirous, and have propoſed to the commiſſioners of his Majeſty's treaſury, to pay into the receipt of the exchequer the ſaid ſum of two thouſand two hundred and ninety pounds, four ſhillings, and ten-pence, in full ſatisfaction for the ſaid ſurplus remaining unpaid as aforeſaid; but doubts having ariſen, whether the ſaid commiſſioners of the treaſury have ſufficient power and authority to grant the ſaid executors a full diſcharge and exoneration upon payment of the ſaid ſum of two thouſand two hundred and ninety pounds, four ſhillings, and ten-pence: therefore, we your Majeſty's moſt dutiful and loyal ſubjects, the commons of* Great Britain, *in parliament aſſembled,* do moſt humbly beſeech your moſt excellent Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the commiſſioners of his Majeſty's treaſury, or any three or more of them now being, or the lord high treaſurer, or any three or more of the commiſſioners of the treaſury for the time being, and he or they are hereby authoriſed and impowered, by his or their warrant, to direct the ſaid executors or repreſentatives of the ſaid lady *Anne Jekyll* to pay into the receipt of his Majeſty's exchequer the ſaid ſum of two thouſand two hundred and ninety pounds, four ſhillings, and ten-pence, to be applied to the ſame uſes and purpoſes as the ſinking fund is applicable, purſuant to the ſeveral acts of parliament for diſpoſition of the ſame; and upon ſuch payment, entirely to acquit, exonerate, and diſcharge the ſaid executors, of and from all claims and demands for or on account of the ſaid ſurplus, and all and every part thereof, and they ſhall be acquitted, exonerated, and diſcharged againſt his Majeſty, his heirs and ſucceſſors, for and touching the payment of the ſaid ſurplus, and from all claims and demands whatſoever in reſpect of the ſame; any thing in the ſaid recited act, or any other act or acts of parliament, to the contrary notwithſtanding.

Lords of the treaſury impowered to direct the executors of lady Jekyll to pay 2290l 4s. 10d. to the exchequer, to be applied to the ſinking fund, and to exonerate the ſaid executors.

CAP. LIV.

An act for the more effectually ſecuring a quantity of oak timber for the uſe of the royal navy.

WHEREAS *the tonnage of the ſhips employed, and of thoſe now building, in order to be employed in the ſervice of the united company of merchants in* England, *trading to the* Eaſt Indies, *doth greatly exceed the tonnage of ſhipping requiſite to carry on the trade of the ſaid united company to and from the* Eaſt Indies: *and whereas the building any more ſhips for the ſervice of the ſaid united company, until thoſe which are now employed, or building to be employed as aforeſaid, ſhall be reduced in tonnage to the quantity requiſite for carrying on the ſaid trade, will occaſion an unneceſſary conſumption of oak timber, fit for building large ſhips*; for remedy whereof, and for the more effectually ſecuring a quantity of oak timber of a proper growth for the uſe of the royal navy; be it enacted by the King's **Preamble.**

King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the eighteenth day of *March*, in the year of our Lord one thouſand ſeven hundred and ſeventy-two, the ſaid united company of merchants trading to the *Eaſt Indies*, or any perſon or perſons employed by the ſaid company, or any of their directors, or any of them, ſhall not build, or begin to build, or cauſe any perſon or perſons whatſoever to build, or begin to build, any new ſhip (except thoſe now building), for the ſervice of the ſaid united company, until the tonnage of all the ſhips employed or to be employed in the trade of the ſaid company, on freight to and from the *Eaſt Indies*, ſhall be reduced to forty-five thouſand tons, builders meaſurement, on pain that the ſaid company, and every other perſon and perſons ſo offending ſhall, for every ſhip which ſhall be built, or begun to be built, contrary to the true intent and meaning hereof, forfeit and pay the ſum of five thouſand pounds of lawful money of *Great Britain*; one moiety whereof ſhall be for the uſe of his Majeſty, his heirs and ſucceſſors, and the other moiety thereof, together with full coſts of ſuit, for the uſe of ſuch perſon or perſons who ſhall ſue for the ſame, by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, or more than one imparlance ſhall be allowed.

After March 25, 1772, the East India company not to build new ſhips, (thoſe now building excepted),

till the tonnage be reduced to 45,000 tons.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid eighteenth day of *March*, one thouſand ſeven hundred and ſeventy-two, until the tonnage of all the ſhips employed, or to be employed, in the ſervice of the ſaid united company trading to the *Eaſt Indies*, on freight to and from the *Eaſt Indies*, ſhall be reduced to forty-five thouſand tons, builders meaſurement, the ſaid united united company, or any perſon or perſons employed by the ſaid company, or any of their directors, or any of them, ſhall not in any manner whatſoever charter, contract for, or hire any ſhip for the uſe of the ſaid company, unleſs ſuch ſhip ſhall have been built, or begun to be built, on or before the ſaid eighteenth day of *March*, one thouſand ſeven hundred and ſeventy-two, on pain that the ſaid company, and every other perſon or perſons ſo offending ſhall, for every ſhip which ſhall be ſo chartered, contracted for, or hired as laſt mentioned, forfeit and pay the ſum of five thouſand pounds of like lawful money; one moiety thereof to the uſe of his Majeſty, his heirs and ſucceſſors, and the other moiety thereof, together with full coſts of ſuit, to the uſe of the perſon or perſons who ſhall ſue for the ſame; to be recovered in manner aforeſaid.

The East India company not to charter or hire ſhips, unleſs built before March 25, 1772.

on penalty of 5000 l. for each offence.

III. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That nothing herein-before contained ſhall be deemed, or conſtrued to extend, to prohibit the ſaid united company from building, contracting for, or hiring, from time to time, during the continuance of this act, any ſhip or ſhips what-

Nothing contained to prohibit the Eaſt India company to build ſhips in the colonies, or in India.

whatſoever, in *India*, or in any of his Majeſty's colonies in *America*, for their uſe or ſervice; or from building, contracting for, or hiring within this kingdom, during the continuance of this act, any ſhip or ſhips, not exceeding ſix in number in the whole, nor in burthen three hundred tons reſpectively, to be employed as packets, or advice boats, in the ſaid united company's ſervice; and that all ſuch laſt-mentioned ſhips which ſhall be built in *India*, or in any of his Majeſty's colonies in *America*, ſhall be, to all intents and purpoſes, conſidered and deemed to be *Britiſh*-built ſhips; any law, uſage, or cuſtom to the contrary notwithſtanding.

If perſons are ſued by action of debt, the act to be given in evidence.

IV. And be it further enacted by the authority aforeſaid, That where any perſon ſhall be ſued by action of debt for any pecuniary forfeiture or penalty impoſed by this act, it ſhall be ſufficient for the plaintiff in ſuch action to declare that the defendant is indebted to him in the ſum of five thouſand pounds, being forfeited by an act paſſed in the twelfth year of the reign of his preſent Majeſty, *For the more effectually ſecuring a quantity of oak timber for the uſe of the royal navy.*

Limitation of actions.

V. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons, for any thing done in purſuance of this act, or of any matter or thing herein contained, ſuch act or ſuit ſhall be commenced within the ſpace of ſix months next after the fact committed, and not afterwards; and ſhall be laid in the county or place where the cauſe of action ſhall ariſe; and ſuch perſon or perſons ſhall and may plead the general iſſue, and give this act, and the ſpecial matter, in evidence, at any trial thereupon, for his and their defence; and if upon ſuch trial a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall become nonſuited, or diſcontinue his or their action or ſuit, or if judgement be given for the defendant or defendants upon demurrer or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts to him or them awarded againſt the plaintiff or plaintiffs.

General iſſue.

Treble coſts.

Publick act.

VI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed and allowed to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons, without ſpecially pleading the ſame.

CAP. LV.

An act for preventing frauds and abuſes, in relation to the trade carried on between Great Britain *and* Ireland.

Preamble.

Act 12 Car. 2.

WHEREAS *by an act of parliament, made in the twelfth year of the reign of King* Charles *the Second, (intituled,* An act for the encouraging and increaſing of ſhipping and navigation), *no goods or commodities, the growth, production, or manufacture of* Africa, Aſia, *or* America, *can be imported into this kingdom, from any other place or places, country or countries, but only from thoſe of the ſaid growth, production, or manufacture, or from thoſe ports where ſuch*

ſuch goods can only, or are, or have uſually been firſt ſhipped for tranſportation: and whereas, notwithſtanding the ſaid recited act, rum, ſugar, coffee, and other American *and* Aſiatic *goods have been entered outwards for exportation in the kingdom of* Ireland, *to be imported into* Great Britain, *and have been clandeſtinely and illegally landed in this kingdom, contrary to the ſaid recited act, to the great prejudice of the revenue of cuſtoms, and the detriment of the fair trader:* for remedy whereof, may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, no rum, ſugar, coffee, or any other goods whatſoever, which are prohibited to be imported from *Ireland* into *Great Britain*, or which are liable to forfeiture upon being ſo imported, by any act or acts of parliament made in this kingdom, ſhall be exported or entered for exportation from *Ireland* to *Great Britain*; nor ſhall any cocket or clearance be granted in *Ireland* for the exportation of ſuch goods to *Great Britain*, any cuſtom or uſage to the contrary notwithſtanding.

After July 5, 1772, no rum, ſugar, &c. prohibited from Ireland, to Britain by former acts, ſhall be exported,

II. And it is hereby further enacted by the authority aforeſaid, That if any merchant, or other perſon, ſhall enter any ſuch goods for exportation to any foreign ports, or other place whatſoever, and ſuch goods ſhall, nevertheleſs, be carried to *Great Britain*, and landed there, contrary to the true intent and meaning of this act; that then, and in every ſuch caſe, the drawback paid, or to be paid, for the ſame ſhall be forfeited; and the exporter of ſuch goods, and the maſter of the ſhip or veſſel on board which the ſame were loaden and exported, and every perſon concerned or aſſiſting in the exportation or landing of the ſaid goods, whether any drawback has been or is to be paid for the ſame or not, ſhall forfeit treble the value of the ſaid goods, and the ſhip or veſſel, on board which ſuch goods were laden and exported, with all her tackle, furniture, and apparel, ſhall alſo be forfeited; and ſhall and may be ſeized and proſecuted by any officer of the cuſtoms in *Great Britain* or *Ireland*: and the ſeveral penalties and forfeitures herein-before mentioned ſhall and may be ſued for and recovered in ſuch and the like manner as any forfeiture incurred by any law of the revenue may be ſued for and recovered in the kingdom of *Great Britain* or *Ireland* reſpectively; one moiety of which penalties and forfeitures, (after deducting the charges of proſecution), ſhall be to the uſe of his Majeſty, his heirs and ſucceſſors, and the other moiety to ſuch officer of the cuſtoms as ſhall ſue and proſecute for the ſame.

Merchants entering goods for exportation to foreign ports, and landing them in Britain, ſhall forfeit the drawback;

and treble the value, with the ſhip and apparel.

Forfeitures recoverable by any law of the revenue.

III. And be it further enacted by the authority aforeſaid, That from and after the ſaid fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, the exporter or perſon having the direction of the voyage, and the maſter or perſon having the charge or command of the ſhip or veſſel on board which any goods

The exporter, &c. to obtain a drawback, ſhall ſwear, upon the debenture, &c.

goods ſhall be entered for exportation to foreign parts, in order to obtain a drawback thereon, ſhall ſwear upon the debenture that the ſaid goods are really and *bona fide* intended to be exported to the port or place mentioned in the entry, and to no other; and that no part thereof is relanded, or intended to be relanded in any part of *Ireland*, or in *Great Britain*, or the *Iſle of Man*, or the iſlands of *Faro*, or *Ferro*; nor to be tranſhipped or put on board any ſhip or veſſel, unleſs in caſe of real diſtreſs, to ſave the ſaid goods from periſhing.

No drawback to be allowed, till a certificate is produced by the collector, &c.

IV. *And, for the better preventing frauds in relanding in* Ireland *any goods which are intitled to a drawback or bounty on exportation from thence to this kingdom*, be it further enacted by the authority aforeſaid, That from and after the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, no drawback or bounty ſhall be allowed or paid for any goods exported or entered for exportation from *Ireland* to *Great Britain*, until a certificate ſhall be produced under the hands and ſeals of office of the collector and comptroller, or other principal officer of the cuſtoms for the port where ſuch goods ſhall be landed in *Great Britain*, teſtifying the landing thereof; which certificate ſhall alſo expreſs the exact weight, meaſure, or quantity of the goods ſo landed, with the number and marks of the caſks, bales, or other packages, in which ſuch goods ſhall be contained.

Clandeſtine importing of foreign brandy, rum, &c. how to be prevented.

V. *And the better to prevent the clandeſtine importing and landing of foreign brandy, rum, ſtrong waters, or other ſpirits in ſmall veſſels, which hover upon the coaſts of* Ireland, be it further enacted by the authority aforeſaid, That from and after the twenty-ninth day of *September*. one thouſand ſeven hundred and ſeventy-two, if any rum or ſpirits of the growth, produce, or manufacture of the *Britiſh* colonies or plantations in *America* ſhall be imported or brought into the kingdom of *Ireland*, either from the ſaid colonies or plantations, or from *Great Britain*, in any ſhip or veſſel whatſoever under the burthen of ſeventy tons; or if any foreign brandy, ſtrong waters, or other ſpirits, ſhall, from and after the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, be imported or brought from any other port or place whatſoever, in foreign parts, into the ſaid kingdom of *Ireland*, in any ſhip or veſſel under the burthen of one hundred tons, except only for the uſe of the ſeamen then belonging to and on board ſuch ſhips or veſſels reſpectively, not exceeding two gallons for each ſuch ſeamen, every ſuch ſhip or veſſel, with all her tackle, furniture, and apparel, and alſo all ſuch brandy, rum, ſtrong waters, or other ſpirits, ſhall, in each and every ſuch caſe, be forfeited; and ſhall and may be ſeized by any officer or officers of the revenue in *Ireland*, and proſecuted, tried, determined, recovered, and diſpoſed of, in ſuch and the like manner as any forfeitures incurred by the laws now in force in the ſaid kingdom of *Ireland* againſt the running, or intending to run, goods into that kingdom, may, by any act or acts of parliament now in force in that kingdom, be proſecuted, tried, determined, recovered, and diſpoſed of.

VI. And

General iſſue. VI. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, the defendant or defendants, in ſuch action or ſuit, may plead the general iſſue, and give this act, and the ſpecial matter, in evidence, at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to have been done, the jury ſhall find for the defendant or defendants; and if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or if judgement ſhall be given upon any verdict or demurrer againſt the plaintiff, the defendant or defendants
Treble coſts. ſhall recover treble coſts, and have the like remedy for the ſame as defendants have in other caſes by law.

CAP. LVI.

An act to continue ſeveral laws relating to the allowance upon the exportation of Britiſh-*made gunpowder; to the giving further encouragement for the importation of naval ſtores from the* Britiſh *colonies in* America; *to the further encouraging the manufacture of* Britiſh *ſail cloth; and to the duties payable on foreign ſail cloth; to the granting a liberty to carry ſugars of the growth, produce, or manufacture of any of his Majeſty's ſugar colonies, directly into foreign parts, in ſhips built in* Great Britain, *and navigated according to law; to the free importation of cattle from* Ireland; *and to the regulating the fees of officers of the cuſtoms, and naval officers in* America.

Preamble. WHEREAS *the laws herein-after mentioned have, by experience, been found uſeful and beneficial, and are near expiring*; may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That an act made in the fourth year of the
Act 4 Geo. 2. reign of his late majeſty King *George* the Second, intituled, *An act for granting an allowance upon the exportation of* Britiſh-*made gunpowder*, which was to continue in force for five years, from the twenty-fourth day of *June*, one thouſand ſeven hundred and thirty-one, and from thence to the end of the then next ſeſſion
Acts 10, 16, 24, and 31 Geo. 2. and act 4 Geo. 3. of parliament; and which, by ſeveral ſubſequent acts, made in the tenth, ſixteenth, twenty-fourth, and the thirty-firſt years of his ſaid Majeſty's reign, and the fourth year of his preſent Majeſty's reign, was further continued until the twenty-ninth day
continued till Sept. 29, 1778, and to the end of the then next ſeſſion. of *September*, one thouſand ſeven hundred and ſeventy-one, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thou-

thouſand ſeven hundred and ſeventy-eight, and from thence to the end of the then next ſeſſion of parliament.

II. And be it further enacted by the authority aforeſaid, That ſo much of an act, made in the eighth year of the reign of King *George* the Firſt, intituled, *An act for giving further encouragement for the importation of naval ſtores, and for other purpoſes therein mentioned*, as relates to the importation of wood and timber, and of the goods commonly called *Lumber*, therein particularly enumerated, from any of his Majeſty's *Britiſh* plantations or colonies in *America*, free from all cuſtoms and impoſitions whatſoever, which was to be in force for twenty-one years, from the twenty-fourth day of *June*, one thouſand ſeven hundred and twenty-two, and which by ſeveral ſubſequent acts made in the ſixteenth, twenty-fourth, and thirty-firſt years of the reign of his late Majeſty King *George* the Second, and the fourth year of his preſent Majeſty's reign, was further continued until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-one, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby further continued from the expiration thereof, until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-eight, and from thence to the end of the then next ſeſſion of parliament.

Acts 8 Geo. 1. and 16, 24, & 31 Geo. 2. and 4 Geo. 3. further continued till Sept. 29, 1778, and till the end of the then next ſeſſion.

III. And be it further enacted by the authority aforeſaid, That an act, made in the ninth year of the reign of his late Majeſty King *George* the Second, intituled, *An act for further encouraging and regulating the manufacture of* Britiſh *ſail cloth, and for the more effectually ſecuring the duties now payable on foreign ſail cloth imported into this kingdom*, which was to continue in force from the twenty-fourth day of *June*, one thouſand ſeven hundred and thirty-ſix, for the term of five years, and from thence to the end of the then next ſeſſion of parliament; and which, by ſeveral ſubſequent acts, made in the thirteenth, twenty-fourth, and thirty-firſt years of his ſaid Majeſty's reign, and the fourth year of his preſent Majeſty's reign, was further continued until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-one, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-eight, and from thence to the end of the then next ſeſſion of parliament.

Act 9 Geo. 2. Acts 13, 24, and 31 Geo. 2. and 4 Geo. 3. further continued till Sept. 29, 1778.

IV. And be it further enacted by the authority aforeſaid, That an act, made in the twelfth year of the reign of his late Majeſty King *George* the Second, intituled, *An act for granting a liberty to carry ſugars, of the growth, produce, or manufacture of any of his Majeſty's ſugar colonies in* America, *from the ſaid colonies directly to foreign parts, in ſhips built in* Great Britain, *and navigated according to law*, which was to continue in force for five years, from the twenty-ninth day of *September*, one thouſand ſeven hundred and thirty-nine, and from thence to the end of

Act 12 Geo. 2.

and acts 17, 24, and 31 Geo. 2. and act 4 Geo. 3.

the then next ſeſſion of parliament; and which, by ſeveral ſubſequent acts, made in the ſeventeenth, twenty-fourth, and thirty-firſt years of his ſaid Majeſty's reign, and the fourth year of his preſent Majeſty's reign, was further continued until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-one, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby further continued from the expiration thereof, until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-eight, and from thence to the end of the then next ſeſſion of parliament.

continued till Sept. 29, 1778, and to the end of the then next ſeſſion.

Act 5 Geo. 3. further continued as above mentioned.

V. And be it further enacted by the authority aforeſaid, That an act, made in the fifth year of the reign of his preſent Majeſty, intituled, *An act to permit the free importation of cattle from* Ireland, which was to continue in force for ſeven years, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby further continued from the expiration thereof, until the twenty-ninth day of *September*, one thouſand ſeven hundred and ſeventy-eight, and from thence to the end of the then next ſeſſion of parliament.

Act 10 Geo. 3. further continued till Aug. 1, 1774.

VI. And be it further enacted by the authority aforeſaid, That ſo much of an act, made in the tenth year of the reign of his preſent Majeſty, intituled, *An act for continuing ſo much of an act, made in the third year of his preſent Majeſty's reign, intituled,* An act to continue and amend two acts, made in the twenty-firſt and twenty-eighth years of his late Majeſty's reign, for encouraging the making of indico in the *Britiſh* plantations in *America*; and for extending the proviſions of an act of the thirtieth year of his late Majeſty's reign, with reſpect to bringing prize goods into this kingdom, to *Spaniſh* prize goods taken ſince the late declaration of war with *Spain*, as relates to the encouraging the making of indico in the *Britiſh* plantations in *America*, and for explaining ſo much of an act, made in the fifth year of his preſent Majeſty's reign, as relates to the regulating the fees of the officers of the cuſtoms in *America*, and for extending the ſame to the naval officers there, as relates to the ſaid act of the fifth year of the reign of his preſent Majeſty, and which was to continue in force from the firſt day of *Auguſt*, one thouſand ſeven hundred and ſeventy, for the term of two years, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby further continued from the expiration thereof, until the firſt day of *Auguſt*, one thouſand ſeven hundred and ſeventy-four, and from thence to the end of the then next ſeſſion of parliament.

CAP

CAP. LVII.

An act to explain and amend so much of an act, made in the twenty sixth year of the reign of his late Majesty King George *the Second, as relates to the establishment of lazarets.*

WHEREAS *by an act, made in the twenty-sixth year of the reign of his late Majesty King* George *the Second,* (*intituled,* An act to oblige ships more effectually to perform their quarantine; and for the better preventing the plague being brought from foreign parts into *Great Britain* or *Ireland*, or the isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*) *it is,* (*amongst other things*) *enacted, That whenever his Majesty, his heirs and successors, by and with the advice and consent of parliament, shall direct houses or lazarets to be provided for the receiving and entertaining of persons obliged to perform quarantine, or for the depositing, opening, and airing of goods and merchandises liable as aforesaid; it shall and may be lawful to erect the same in such places, for such time as his Majesty shall judge necessary, for the purposes aforesaid, paying such rate, rent, or other consideration, as shall be agreed upon, or assessed and adjudged, in such manner as therein prescribed in that behalf: and whereas in the fifth year of the reign of his present Majesty a sum was granted by parliament, not exceeding five thousand pounds, towards building a lazaret, but doubts have arisen, whether his Majesty is sufficiently enabled, by the powers in the said recited act contained, to contract and agree for the absolute purchase of lands, messuages, tenements, and hereditaments, to be settled unalienably in the crown, for the purpose of making, erecting, and establishing such lazarets*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the lords commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, or the lord high treasurer for the time being, on the behalf of his Majesty, his heirs and successors, from time to time, and at all times hereafter, to treat, contract, and agree for the absolute purchase or sale, release, or surrender, to or for the use of his Majesty, his heirs and successors, of any estate or estates of inheritance, in any lands, messuages, tenements, and hereditaments, which they shall judge to be by their situation, and in other respects, convenient and fit for the purposes intended by this act, with the owner and owners of such respective estate or estates of inheritance, for such sum or sums of money, or upon such other terms or conditions as they shall think fitting; and that upon the executing of such contracts or agreements, by or on the behalf of such owner or owners as aforesaid, or upon executing such other conveyances, assignments, releases, or surrenders, as in such contract or contracts shall be agreed on for that purpose, it shall and may be lawful to and for the said commissioners of the treasury now or for the time being, or any

Preamble.

Act 26 Geo. 2.

Act 5 Geo. 3.

Lords of the treasury to purchase any tenement conveniently situated, for the purpose of the act;

and to order payment to be made for ſuch purchaſe.

any three or more of them, or the lord high treaſurer for the time being, and they are hereby impowered to order and direct the payment of the ſaid ſum of five thouſand pounds; and likewiſe, in caſe that ſum ſhall no be ſufficient, then by and out of any monies ariſen, or to ariſe to his Majeſty, his heirs or ſucceſſors, of or for any cuſtoms, ſubſidies, impoſitions, or other duties, upon the importation or exportation of any goods or merchandiſes whatſoever, already granted or payable, or hereafter to be granted or payable to his Majeſty, his heirs or ſucceſſors, in *Great Britain*, *Wales*, or *Berwick upon Tweed*, to order and direct the payment of ſuch ſum or ſums of money, from time to time, as ſhall be ſo contracted or agreed on for ſuch purchaſe or purchaſes, to ſuch perſon or perſons as, according to the terms of ſuch contracts or agreements, ſhall be intitled to have and receive the ſame.

The meſſuages ſo to be purchaſed to be veſted in the crown, for erecting a lazaret.

II. And be it further enacted by the authority aforeſaid, That from and immediately after ſuch payment of the purchaſe-money to the perſon or perſons ſo intitled to receive the ſame as aforeſaid, the ſeveral lands, meſſuages, tenements, hereditaments, and premiſes, in ſuch contracts or agreements mentioned or compriſed, or intended ſo to be, together with all rights, members, eaſements, and appurtenances whatſoever, to the ſame, or any part thereof, belonging and uſually held and enjoyed therewith, ſhall be, and are hereby declared to be, from time to time, unalienably veſted in the crown, for the purpoſe of making, erecting, and eſtabliſhing there a lazaret or lazarets; and his Majeſty, his heirs and ſucceſſors, ſhall for ever have, hold, and enjoy the ſame, againſt ſuch vendor and vendors reſpectively; and all and every perſon and perſons, claiming or to claim, by, from, or under them, or any of them, freed and diſcharged of and from all former entails, and from all incumbrances whatſoever made or granted of the premiſes, or any part thereof: and the receipt or receipts of ſuch perſon or perſons, as ſhall be intitled or authoriſed to receive ſuch purchaſe-money as aforeſaid, under his or their hands reſpectively, teſtifying the payment of the ſame, or any part thereof, by the ſaid commiſſioners of the treaſury, or ſuch perſon or perſons as they, or any three of them, ſhall order and direct to pay the ſame, ſhall be a ſufficient diſcharge to his Majeſty, his heirs and ſucceſſors, for all ſuch ſum and ſums of money as ſuch receipt or receipts ſhall be given for: and his Majeſty, his heirs and ſucceſſors, ſhall be abſolutely acquitted and diſcharged of and from the ſaid monies, notwithſtanding any miſapplication of the ſame, or any part thereof.

Receipts of perſons authoriſed to receive the purchaſe money to be a ſufficient diſcharge to his Majeſty.

Price of ſuch premiſes may be ſettled by a jury at the general quarter-ſeſſions.

III. And be it further enacted by the authority aforeſaid, That as often as any difference ſhall ariſe concerning ſuch purchaſe, or the price or conſideration between the ſaid commiſſioners of his Majeſty's treaſury now or for the time being, or any three or more of them, or the high treaſurer for the time being, and the owner or owners of ſuch lands, meſſuages, tenements, and hereditaments, as aforeſaid, their guardians or truſtees,

(not being the dwelling-houſe of ſuch owner or owners, or park, garden, orchard, yard, or planted walk, or avenue to ſuch houſe), it ſhall and may be lawful for any one or more perſon or perſons, to be appointed for that purpoſe by his Majeſty, his heirs or ſucceſſors, under his or their ſign manual, and ſuch perſon and perſons are hereby authoriſed, thirty days at the leaſt before any general quarter-ſeſſion of the peace to be held for the reſpective counties or diviſions where ſuch premiſes as aforeſaid ſhall reſpectively lie, to give, or cauſe to be given, to ſuch reſpective owner or owners, or to be left at their laſt places of abode reſpectively, a notice, in writing, deſcribing the ſaid premiſes, and purporting, that the price or conſideration of ſuch premiſes will be adjuſted and ſettled by a jury at the ſaid ſeſſions. and the juſtices, at their ſaid ſeſſions, upon proof to them made of ſuch notice or notices given, ſhall, and they are hereby authoriſed and required to charge the jury which ſhall attend at the ſaid ſeſſions, or ſome other jury of twelve honeſt and ſubſtantial men, (to be then and there impanelled and returned by the ſheriff of the county, without fee or reward), and cauſe to be ſworn well and truly on their oaths, to aſſeſs the value of the premiſes compriſed in ſuch notices, and the price or conſideration to be given for the ſame, to the reſpective owner or owners thereof, according to their reſpective intereſts therein, which oath the ſaid juſtices are hereby authoriſed and required to adminiſter to the ſaid jury, and to which ſaid jury, the ſaid perſon or perſons ſo to be appointed by his Majeſty, his heirs and ſucceſſors, and the parties intereſted in ſuch premiſes, ſhall have their lawful challenges; and the ſaid jury, being ſo ſworn and charged as aforeſaid, after proper evidence, on oath, given to them, ſhall, by their verdict, aſſeſs the price or conſideration to be given for ſuch premiſes to the reſpective owner or owners thereof, according to their reſpective intereſts therein; which verdict of the ſaid jury, and judgement of the ſaid juſtices thereupon, ſhall be concluſive, and finally bind all parties; and from and after ſuch verdict and judgement, and paying ſuch price or other conſideration, the ſaid premiſes ſhall veſt in and be held by his Majeſty, his heirs and ſucceſſors, in manner and for the purpoſes aforeſaid.

Verdict of the jury, and judgement of juſtices, to be concluſive.

CAP. LVIII.

An act for the further encouragement of the herring fiſhery on the coaſts of the Iſle of Man; *and for obviating a doubt which has ariſen with reſpect to the allowing the bounties upon the* Britiſh *white herring fiſhery, in the year one thouſand ſeven hundred and ſeventy one.*

WHEREAS *it is neceſſary that ſome further encouragement ſhould be given to the inhabitants of the* Iſle of Man, *to engage in and carry on the herring fiſhery on the coaſts thereof*; may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and

Preamble.

commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to import, and bring into any part of *Great Britain*, any ſort of herrings caught upon the coaſts of the *Iſle of Man*, and cured there, upon payment of the duties hereinafter mentioned; any law, cuſtom, or uſage, to the contrary notwithſtanding; that is to ſay, for every barrel of white herrings, containing thirty two gallons, three ſhillings and fourpence, and for every thouſand of red-herrings one ſhilling and eight-pence, and after thoſe rates for any greater or leſs quantities of ſuch herrings reſpectively.

After June 24, 1772, any ſort of herrings, caught and cured near the Iſle of Man, may be brought into Great Britain, on payment of the duties mentioned.

II. And be it further enacted by the authority aforeſaid, That the duties which ſhall be charged upon ſuch herrings, in purſuance of this act, ſhall be raiſed, levied, and recovered by ſuch ways and means, and under ſuch penalties and forfeitures, and applied to the ſame uſes and purpoſes, as are directed and preſcribed by any former act or acts of parliament, which are now in force, reſpecting the duties upon fiſh brought or imported into *England*, from that part of the united kingdom called *Scotland*; and the ſaid herrings ſo imported from the *Iſle of Man*, in purſuance of this act, ſhall, in all reſpects, be ſubject and liable to the ſame rules and regulations, as ſuch herrings brought from *Scotland* are liable to by law, except in ſuch caſes where any alteration is made by this act.

Herrings from the Iſle of Man liable to the ſame duties as thoſe brought from Scotland.

III. Provided always, and it is hereby further enacted by the authority aforeſaid, That the maſter or other perſon, having the charge of the ſhip ſo importing ſuch herrings, ſhall bring with him a certificate or certificates from the governor, lieutenant governor, commander in chief, or chief magiſtrates for the time being, that oath has been made before him or them, in the preſence of the officer of the cuſtoms for the port or place where ſuch herrings ſhall be put on board, that the ſame were *bona fide* taken on the coaſts of the *Iſle of Man*, and cured there; which certificate or certificates ſhall alſo be atteſted by the ſaid officer of the cuſtoms, and ſhall expreſs the number of barrels, and quantity of ſuch herrings reſpectively, and the marks of the package expreſſed in the bill or bills of lading, with the name or names, place or places of abode of ſuch perſon or perſons as ſhall have made the oath herein-before directed, and where and to whom ſuch herrings ſhall be conſigned in *Great Britain*; and the maſter or perſon taking charge of the ſhip or veſſel importing the ſame ſhall alſo make oath before the collector or principal officer of the ſalt duties, at the port or place of importation in *Great Britain*, that the ſaid herrings are the ſame that were taken on board, by virtue of the ſaid certificate or certificates, ſo to be produced; on failure whereof, or of any of the requiſites herein-before mentioned, the herrings ſhall be liable to the ſame duties, penalties, and forfeitures, as ſuch herrings would have been liable to by law, if this act had not been made.

Certificate to be brought by the maſter of the ſhip, from the governor, &c. that the herrings were taken on the coaſts of the Iſle of Man; to be atteſted by an officer of the cuſtoms, expreſſing the number of barrels, &c.

IV. And be it further enacted by the authority aforeſaid, That

That from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful for any of his Majeſty's ſubjects, inhabiting and reſiding in the *Iſle of Man*, to export from thence, and import into any *Britiſh* colonies or plantations in *America*, in *Britiſh* ſhips or veſſels, manned and navigated according to an act of parliament made in the twelfth year of the reign of King *Charles* the Second, (intituled, *An act for the encouraging and increaſing of ſhipping and navigation*,) herrings caught and cured by them in the ſame manner as victuals of and from *Ireland* may be imported into the ſaid colonies or plantations, by an act made in the fifteenth year of the reign of the ſaid King *Charles* the Second, (intituled, *An act for the encouragement of trade*;) any law, cuſtom, or uſage to the contrary notwithſtanding.

After June 24. 1772, inhabitants of the Iſle of Man may export herrings to the Britiſh colonies.

V. And be it further enacted by the authority aforeſaid, That from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful for any fiſherman inhabiting the *Iſle of Man*, to load there, on board any veſſel or boat employed in the fiſhery on the coaſts of the ſaid iſland, any quantity of ſalt which ſhall be ſufficient and neceſſary for curing the cargo of herrings taken by ſuch veſſel or boat, bond being firſt given to his Majeſty, his heirs and ſucceſſors, with one ſufficient ſurety beſides the maſter, to be approved of by the collector, or other principal officer of his Majeſty's revenue at the port or place from whence ſuch veſſel or boat ſhall depart, in the penalty of fifty pounds for every ton of ſalt which ſhall be ſo taken on board, with condition that the ſame ſhall be uſed only in the curing of ſuch herrings, and ſhall not be landed in any part of *Great Britain*, or tranſhipped, or put on board any other ſhip or veſſel; and on return of ſuch veſſel or boat from the fiſhery into any port or place in the ſaid *Iſle of Man*, the maſter and one of the crew belonging to and employed on board ſuch veſſel or boat, during the whole voyage, ſhall make oath before the collector, or other principal officer of his Majeſty's revenue, at the neareſt port where they ſhall arrive, (which oath ſuch collector or other officer is hereby impowered and required to adminiſter,) that the ſalt ſo laden in ſuch veſſel or boat (excepting ſuch part thereof, as may remain unuſed on board) has been really and truly expended in curing the herrings caught and taken by them, and that no part thereof had been landed in any part of *Great Britain*, or tranſhipped, or put on board any other ſhip or veſſel; which bond ſhall continue in force for one year from and after the completion of the voyage: and in caſe no fraud appears within that time, it ſhall and may be lawful for the receiver-general of his Majeſty's revenue in the *Iſle of Man*, or his deputy, to direct the ſaid bond to be cancelled and delivered up.

Quantity of ſalt neceſſary for curing ſuch herrings may be loaded on board any veſſel, bond being given, &c.

VI. *And whereas by an act made in the twenty-third year of the reign of his late majeſty King* George *the Second*, (*intituled*, An act for the encouragement of the *Britiſh* white herring fiſhery,) *a*

Act 23 Geo. 2.

bounty of thirty ſhillings per *ton was granted to the owners of ſuch decked veſſels as ſhould be fitted out and employed in the ſaid fiſhery, in the manner, and under the ſeveral regulations and reſtrictions, in the ſaid act mentioned, to be paid yearly, during the ſpace of fourteen*
Act 28 Geo. 2. *years, from the commencement of the ſaid act, and no longer: and whereas by another act, made in the twenty-eighth year of the reign of his ſaid late Majeſty, (intituled,* An act for further explaining, amending, and rendering more effectual, an act made in the twenty-third year of the reign of his preſent Majeſty, intituled, *An act for the encouragement of the* Britiſh *white herring fiſhery; and for giving further encouragement for the carrying on the ſaid fiſhery; and for other purpoſes therein mentioned,) the ſaid bounty was continued for the further term of three years, to be computed imme-*
Act 30 Geo. 2. *diately from and after the expiration of the term for which the ſame was granted as aforeſaid: and whereas by another act, made in the thirtieth year of the reign of his ſaid late Majeſty, (intituled,* An act for allowing a further bounty on veſſels employed in the white herring fiſhery; for giving liberty to alter the preſent form and ſize of the nets uſed in the ſaid fiſhery; and for other purpoſes therein mentioned,) *it was, amongſt other things, enacted, That the ſaid bounty of thirty ſhillings, by the ſaid two ſeveral acts granted and continued for the reſpective terms of years therein reſpectively mentioned, ſhould ceaſe, determine, and be at an end; and in lieu thereof, a bounty of fifty ſhillings* per *ton, on the veſſels employed in the ſaid fiſheries, was granted for ſuch term and terms of years, to be paid in ſuch manner as the ſaid bounty of thirty ſhillings* per *ton*
Act 5 Geo. 3. *was by the ſaid two ſeveral acts, or either of them, directed to be paid: and whereas by another act made in the fifth year of the reign of his preſent Majeſty, (intituled,* An act for the further encouragement of the *Britiſh* white herring fiſhery,) *it was, amongſt other things, recited, That the terms for which the ſaid bounty was granted, would expire on the twenty-ſecond day of* October, *one thouſand ſeven hundred and ſixty-ſeven; and, by the ſaid laſt-mentioned act, it was alſo enacted, That the ſaid bounty of fifty ſhillings* per *ton, granted by the ſaid act of the thirtieth year of the reign of his ſaid late Majeſty, ſhould be further continued for the further term of four years, to be*
Act 11 Geo. 3. *computed from and immediately after the expiration of the terms for which the ſame was granted as aforeſaid: and whereas by another act, made in the eleventh year of the reign of his preſent Majeſty, (intituled,* An act for the encouragement of the white herring fiſhery,) *a bounty of thirty ſhillings* per *ton is to be paid annually, in the manner as in the ſaid act is provided, to the owner or owners of all decked veſſels, from twenty to eighty tons burthen, which ſhall be fitted out and employed in the ſaid fiſheries, in manner and under the regulations in the ſaid laſt-recited act mentioned, for the ſpace and term of ſeven years, from and after the twenty-ſecond day of* October, *one thouſand ſeven hundred and ſeventy-one, and to the end of the then next ſeſſion of parliament: and whereas it was intended by the ſaid laſt recited act, That the ſaid bounty of thirty ſhillings* per *ton, thereby granted, ſhould commence and take place immediately after the expira-*

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tion of the term for which the former bounty of fifty ſhillings per *ton was granted and continued by the ſeveral acts herein-before recited: and whereas ſeveral veſſels have been fitted out and employed upon the ſummer and winter fiſheries, for the year one thouſand ſeven hundred and ſeventy-one, upon a preſumption that the bounty of fifty ſhillings* per *ton, granted and continued by the before-recited act of the fifth year of his preſent Majeſty, did not expire till the twenty-ſecond day of* October, *one thouſand ſeven hundred and ſeventy-one, agreeably to the recital of the ſaid act; but doubts having ariſen, whether the term of twenty-one years, for which the ſaid bounty was firſt granted and continued, as herein-before mentioned, ſhould not have been computed from the firſt day of the ſeſſion of parliament, in the twenty-third year of the reign of his late Majeſty, which began upon the ſixteenth day of* November, *one thouſand ſeven hundred and forty-nine, and which term, from that date, by the alteration of ſtile, expired on the twenty-ſeventh day of* November, *one thouſand ſeven hundred and ſeventy; and, according to which computation, the owners of the veſſels ſo fitted out and employed in the fiſheries for the year one thouſand ſeven hundred and ſeventy-one are not entitled to any bounty: now, to obviate theſe doubts, and for the relief of the owners of ſuch veſſels as have been ſo fitted out and employed as aforeſaid,* it is hereby further enacted by the authority aforeſaid, That the owner or owners of ſuch ſhips or veſſels as were fitted out and employed in the firſt or ſummer fiſhery, for the year one thouſand ſeven hundred and ſeventy-one, ſhall be allowed a bounty of fifty ſhillings *per* ton for ſuch veſſel ſo employed; and the owner or owners of ſuch ſhips or veſſels as were fitted out and employed in the latter or winter fiſhery, for the ſaid year one thouſand ſeven hundred and ſeventy-one, ſhall be allowed a bounty of thirty ſhillings *per* ton, for ſuch ſhips or veſſels as were ſo fitted out and employed in that fiſhery: which ſaid reſpective bounties hereby allowed ſhall be paid in the ſame manner as, and ſhall in all other reſpects be ſubject to all the reſtrictions and regulations which were directed and preſcribed by the before-recited acts, or any other act of parliament, with reſpect to the former bounty of fifty ſhillings *per* ton, which was granted by the ſaid recited act, made in the fifth year of his preſent Majeſty's reign; any thing in the before-recited acts, or any other act, to the contrary notwithſtanding

Owners of ſummer fiſhery 1771, to be allowed a bounty of 50s. *per* ton; and owners of winter fiſhery to be allowed 30s. *per* ton.

CAP.

CAP. LIX.

An act for vesting in his Majesty certain hereditaments at Richmond, *in the county of* Surrey, *belonging to* Catharine *viscountess* Fitzwilliam, *and held by lease from the crown; and for vesting the freehold and inheritance of certain leasehold and copyhold hereditaments at* Richmond *aforesaid in trustees, and their heirs, in trust for the said* Catharine *viscountess* Fitzwilliam, *as a part of the compensation for the same, and for other purposes therein mentioned.*

Preamble, reciting letters patent of Geo. 2.

WHEREAS *his late majesty King* George *the Second, by his letters patent, bearing date the twenty-fourth day of* January, *in the fifth year of his reign, granted and demised unto sir* Matthew Decker, *baronet, since deceased, all that messuage or tenement, called or known by the name of* The Bakehouse *at* Richmond, *in the county of* Surrey, *together with two gardens to the said tenement belonging, one of which gardens is therein mentioned to be inclosed with a brick wall, and to abut upon the northwest side of a piece of land or yard, then or late in the tenure or occupation of* Grimes, *widow; and the other garden is therein mentioned to be inclosed with pales, and to adjoin to the aforesaid tenement then or late in the occupation of* John Stevens, *thentofore demised to him by* Edward Villars *esquire, for a term of years then expired; and also all that piece or parcel of land, orchard, or garden, with the appurtenances, containing by estimation one acre, or thereabouts, being or reputed to be, part of the park called* Richmond Old Park, *theretofore in the tenure of* Gilbert Grimes, *deceased, and then or late in the occupation of* William Beaumond, *theretofore demised to him by the said* Edward Villars *for a term of years then expired, with free way and passage to and from the said piece of land by and through the aforesaid yard, late in the occupation of the said* Gilbert Grimes; *and also all those three closes of land, or pasture ground, situate at* Richmond *aforesaid, called* Bentley Park, *containing by estimation twenty acres, more or less, parcel also of the aforesaid park called* Richmond Old Park, *then late in the possession or occupation of sir* Charles Hedges, *knight, or his assigns: and also all those two tenements adjoining to the premises therein above mentioned and demised, then or late in the possession of* Rowland Corbett *and* William Watts, *tenants at the will of the lord, by several yearly rents, amounting together to the sum of five pounds and fifteen shillings a year, together with a small building or stable adjoining to the tenement of the said* William Watts; *and also all that small piece of land then lately recovered and inclosed by the aforesaid sir* Charles Hedges *knight, out of the waste there, by the common consent of the inhabitants of* Richmond *aforesaid, and the tenants of the manor there, abutting upon part of the premises there above demised towards the east upon a way leading from a place called* Richmond Green *to the river* Thames *towards the south, upon the said river towards the west, and upon*

upon the land or meadow then or late in the tenure of John Buckworth towards the north, together with all manner of appurtenances to the ſaid premiſes belonging; all which premiſes are therein mentioned to have been demiſed by his late majeſty King William the Third on the fourth day of March, in the thirteenth year of his reign, for a term of fifty years, at the rent of thirty-one pounds fifteen ſhillings; and to have afterwards been demiſed by his late majeſty King George the Firſt to the ſaid ſir Matthew Decker baronet, on the twenty-fourth day of September, in the fourth year of his reign, for a term of ſixteen years, from the fourth day of March, one thouſand ſeven hundred and fifty, at the ſame rent of thirty-one pounds fifteen ſhillings, to hold the ſaid premiſes thereby demiſed to the ſaid ſir Matthew Decker, his executors, adminiſtrators, and aſſigns, from the fourth day of March, in the year of our Lord one thouſand ſeven hundred and ſixty-ſix, for and during the time and term of fourteen years from thenceforth next enſuing, yielding and paying therefore for the ſaid premiſes the ancient yearly rent or ſum of thirty-one pounds fifteen ſhillings, during the term thereby granted, as therein mentioned: and whereas the ſaid ſir Matthew Decker, by his laſt will and teſtament, bearing date the nineteenth day of January, one thouſand ſeven hundred and forty-ſeven, after giving a legacy of five hundred pounds, gave, deviſed, and bequeathed all the reſt of his eſtate, as well real as perſonal, unto his wife Henrietta Decker, her heirs, executors, and adminiſtrators, for ever, and appointed his ſaid wife ſole executrix of his ſaid will, who duly proved the ſame in the prerogative court of the archbiſhop of Canterbury, on the twelfth day of April, one thouſand ſeven hundred and forty-nine: and whereas his ſaid majeſty, King George the Second, afterwards, by his letters patent, bearing date the ſeventh day of November, in the twenty-fifth year of his reign, granted and demiſed unto the ſaid dame Henrietta Decker all and ſingular the meſſuage or tenement, lands, hereditaments, and premiſes, which, in and by the ſaid herein-before recited letters patent, were granted and demiſed to the ſaid ſir Matthew Decker, with their appurtenances, to hold unto the ſaid dame Henrietta Decker, her executors, adminiſtrators, and aſſigns, from the fourth day of March, which will come in the year of our Lord one thouſand ſeven hundred and eighty, for and during the term and time of nineteen years and an half, from thenceforth next enſuing, yielding and paying therefore for the ſaid premiſes the ancient yearly rent or ſum of thirty-one pounds fifteen ſhillings, during the term thereby granted, as therein mentioned: and whereas, at a ſpecial court baron of his late majeſty King George the Second, held for his manor of Richmond, otherwiſe Weſt Sheene, on Friday the ſeventh day of July, in the twenty-third year of his ſaid Majeſty's reign, the ſaid dame Henrietta Decker was duly admitted tenant to all that cuſtomary half acre of land, with the appurtenances, ſituate, lying, and being in a field called The Upper Field of Richmond aforeſaid, in a ſhot called Marſh Furze ſhot, adjoining on the eaſt and weſt to land then late of Jones, gentleman, but then of and alſo to all that cuſtomary capital meſſuage or tenement ſituate and being in Richmond aforeſaid, near the green there, and for-

formerly in the poſſeſſion of ſir Charles Hedges knight, and then late in the poſſeſſion of the ſaid ſir Matthew Decker, together with the outhouſes, edifices, coach-houſes, ſtables, gardens, and other the appurtenances to the ſaid meſſuage or tenement belonging or in any-wiſe appertaining, or formerly enjoyed therewith; and alſo to all that piece or parcel of land, with the appurtenances, formerly part of the waſte of the ſaid manor, lying on the eaſt angle of the garden wall, formerly of William Finch, containing in length fourteen feet, or thereabouts, and in breadth twelve feet, or thereabouts, to hold to the ſaid dame Henrietta Decker, her heirs and aſſigns, for ever, at the will of the lord, according to the cuſtom of the ſaid manor, by fealty rent of thirteen ſhillings and four pence ſuit of court, and other ſervice, firſt due and of right accuſtomed; and at the ſame court the ſaid dame Henrietta Decker ſurrendered the ſaid copyhold premiſes, with their appurtenances, according to the cuſtom of the ſaid manor, to the uſe of ſuch perſon or perſons, and to and for ſuch truſts, uſes, intents, and purpoſes, as ſhe ſhould, in and by her laſt will and teſtament, in writing, give, deviſe, bequeath, direct, limit, or appoint, at the will of the lord, according to the cuſtom of the ſaid manor: and whereas the ſaid dame Henrietta Decker being poſſeſſed of the ſaid leaſehold premiſes above mentioned by the ſeveral letters patent and will above recited and referred to, and being alſo poſſeſſed of and intitled in fee to the ſaid copyhold or cuſtomary premiſes, and having ſurrendered the ſame in manner aforeſaid, duly made and publiſhed her laſt will and teſtament, bearing date the thirteenth day of April, one thouſand ſeven hundred and forty-nine, whereby ſhe gave and bequeathed all her freehold, copyhold, leaſehold, and perſonal eſtates unto her ſon-in-law, the honourable John Talbot, and Gerard Van Neck eſquire, their heirs, executors, and adminiſtrators, upon truſt, to raiſe and pay thereout, the ſeveral ſums of money thereby directed; and in further truſt, to ſtand ſeized and poſſeſſed of all the reſt and reſidue of the ſaid freehold, copyhold, leaſehold, and perſonal eſtates, in truſt, for the ſole and ſeparate uſe of her daughter Catharine Fitzwilliam, whoſe directions, as far as it concerned her ſhare, the ſaid teſtatrix deſired her ſaid truſtees would purſue, either in continuing or altering the ſituation her ſaid ſeveral eſtates ſhould be in at the time of her death, in ſuch manner as ſhe ſhould moſt approve; and the ſaid teſtatrix did alſo expreſs her will to be, that if her ſaid daughter ſhould at any time be diſpoſed to preſent, ſell, or diſpoſe of to her huſband, the right honourable the lord viſcount Fitzwilliam, or to any other perſon or perſons, the whole, or any part of what the teſtatrix thereby gave unto her, that it ſhould be lawful for her ſaid truſtees, notwithſtanding any thing in her ſaid will contained, to transfer and aſſign the ſame upon requeſt made to them by her ſaid daughter, by any writing or writings under her hand, to ſuch perſon and perſons, and for ſuch eſtates and intereſts, and in ſuch manner and form as her ſaid daughter ſhould appoint, and which writing or writings the ſaid teſtatrix declared ſhould be to her truſtees a full diſcharge for their ſo doing; and the ſaid teſtatrix appointed her ſaid daughter, the ſaid Catharine viſcounteſs Fitzwilliam, her ſole executrix; and the ſaid teſtatrix afterwards, by a codicil to her ſaid will, made the ninth day of March, one thouſand ſeven hundred and

and fifty-two, after taking notice that the ſaid Gerard Van Neck *was dead, nominated and appointed* John Page *of* Water Gate Houſe, *in the county of* Suſſex, *eſquire, and* John Daniel Dreyer *of* London, *merchant, in the room of the ſaid* Gerard Van Neck, *co-truſtees with the ſaid* John Talbot; *and thereby did deviſe and bequeath unto them the ſaid* John Talbot, John Page, *and* John Daniel Dreyer, *their heirs, executors, and adminiſtrators, all her ſeveral eſtates in her ſaid will mentioned, upon the ſeveral truſts in her ſaid will ſet forth, and therein alſo gave ſeveral other pecuniary legacies: and whereas the ſaid dame* Henrietta Decker *died not long after the making her ſaid will and codicil, and the ſaid* Catharine *viſcounteſs* Fitzwilliam *duly proved the ſame in the prerogative court of the archbiſhop of* Canterbury, *on the ninth day of* May, *one thouſand ſeven hundred and fifty-nine: and whereas at a ſpecial court baron of his ſaid late majeſty King* George *the Second, for his ſaid manor of* Richmond, *otherwiſe* Weſt Sheene, *held on* Saturday *the twenty-ſeventh day of* October, *in the thirty-third year of the reign of his ſaid Majeſty, the ſaid* John Page *and* John Daniel Dreyer *(the ſaid* John Talbot *being then dead) were duly admitted tenants to all and ſingular the ſaid copyhold or cuſtomary meſſuage or tenement, lands, tenements, hereditaments, and premiſes, with their appurtenances, whereunto the ſaid dame* Henrietta Decker *had been admitted as aforeſaid, to hold the ſaid premiſes, with the appurtenances, unto the ſaid* John Page *and* John Daniel Dreyer, *their heirs and aſſigns, for ever, at the will of the lord, according to the cuſtom of the ſaid manor, upon the truſts, and to and for the uſes, intents, and purpoſes, in and by the ſaid will and codicil of the ſaid dame* Henrietta Decker *mentioned, expreſſed, and declared, of and concerning the ſame: and whereas the ſaid* John Daniel Dreyer *afterwards died, and the ſaid* John Page *being then the ſurviving truſtee under the ſaid will and codicil of the ſaid dame* Henrietta Decker, *and the ſeveral ſums charged by her ſaid will and codicil on her ſaid eſtates having been paid and diſcharged, by indenture of three parts, bearing date the tenth day of* November, *which was in the year of our Lord one thouſand ſeven hundred and ſixty-eight, and made between the ſaid* John Page *of the firſt part; the right honourable* Richard *lord viſcount* Fitzwilliam, *and the ſaid* Catharine *lady viſcounteſs* Fitzwilliam *his wife, of the ſecond part; and* Maurice Dreyer *and* John Daniel Dreyer, *both of* London, *merchants, the ſons of the ſaid* John Daniel Dreyer *deceaſed, of the third part; the ſaid* John Page, *by the direction of the ſaid* Richard *viſcount* Fitzwilliam *and* Catharine *viſcounteſs* Fitzwilliam, *did aſſign and ſet over all and ſingular the meſſuage or tenement, lands, hereditaments, and premiſes, in and by the aforeſaid recited letters patent, granted and demiſed, with their appurtenances, unto the ſaid* Maurice Dreyer *and* John Daniel Dreyer *the ſons, their executors, adminiſtrators, and aſſigns, for and during all the reſidue and remainder then to come of the aforeſaid term of fourteen years, and for the whole of the ſaid term of nineteen years and an half, upon ſuch and the ſame truſts, and to and for ſuch and the ſame intents and purpoſes, as in and by the ſaid will of the ſaid dame* Henrietta Decker *are declared and expreſſed, of and con-*

concerning the reſt and reſidue therein mentioned of her freehold, copyhold, leaſehold, and perſonal eſtates: and whereas at a general court leet and court baron of his preſent Majeſty, held for the ſaid manor of Richmond *otherwiſe* Weſt Sheene, *on* Saturday *the firſt day of* April, *which was in the year of our Lord one thouſand ſeven hundred and ſixty-nine, the ſaid* Maurice Dreyer *and* John Daniel Dreyer, *the ſons, were duly admitted upon the ſurrender of the ſaid* John Page, *to all and ſingular the ſaid copyhold or cuſtomary meſſuage or tenement, lands, tenements, hereditaments, and premiſes, with their appurtenances, whereunto the ſaid dame* Henrietta Decker *had been admitted as aforeſaid, to hold the ſaid premiſes, with their appurtenances, unto the ſaid* Maurice Dreyer *and* John Daniel Dreyer, *the ſons, their heirs and aſſigns, for ever, at the will of the lord, according to the cuſtom of the ſaid manor, upon the truſts, and to and for the ſeveral uſes, intents, and purpoſes, in and by the ſaid will and codicil of the ſaid dame* Henrietta Decker *mentioned, expreſſed, and declared of and concerning the ſame: and whereas it hath been agreed, by and on the behalf of the ſaid* Catharine *viſcounteſs* Fitzwilliam, *in conſideration of the ſum of two thouſand one hundred and fifty pounds, to be paid her by his moſt excellent Majeſty, and of the enfranchiſement and releaſe herein-after mentioned, that all and ſingular the ſaid leaſehold premiſes, except a certain part thereof, containing in quantity about one acre and an half, and herein-after more particularly deſcribed, ſhall be ſurrendered up to and veſted in his Majeſty, his heirs and ſucceſſors, diſcharged of the ſaid ſeveral terms for years ſo granted thereof, as aforeſaid, and of all other terms, incumbrances, and demands; but the ſaid agreement cannot be effectually eſtabliſhed and carried into execution without the authority of parliament: and whereas the payment of the ſaid ſum of two thouſand one hundred and fifty pounds hath been ſecured to the ſatisfaction of the ſaid lady viſcounteſs* Fitzwilliam, *and of the ſaid* Maurice Dreyer *and* John Daniel Dreyer *the ſons*; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and ſingular the copyhold or cuſtomary meſſuages, lands, tenements, hereditaments, and premiſes herein-before mentioned and deſcribed, to which the ſaid *Maurice Dreyer* and *John Daniel Dreyer* the ſons were admitted tenants, as aforeſaid, ſhall be, and are hereby enfranchiſed, and ſhall from henceforth be and remain in the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the ſons, their heirs and aſſigns, for ever, to hold unto them the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the ſons, their heirs and aſſigns, of his ſaid Majeſty's manor of *Richmond*, otherwiſe *Weſt Sheene*, in free and common ſoccage freed and diſcharged, and abſolutely acquitted and exonerated of, from, and againſt all fines, heriots, cuſtoms, duties, or other tenures or ſervices whatſoever, any law or ſtatute to the contrary thereof in any-wiſe notwithſtanding.

Cuſtomary meſſuages of his Majeſty's manor of Richmond tenanted by Meſſ. Dreyers, &c. to be enfranchiſed, and freed of common ſoccage, &c.

II. And be it further enacted by the authority aforeſaid, That a certain part of the ſaid leaſehold premiſes, compriſed in the

letters patent herein-before mentioned, containing one acre and an half, and bounded in manner following; that is to ſay, on the ſouth in part by the ſaid copyhold, meſſuage, and premiſes; in other part by a meſſuage, with the appurtenances, in the occupation of *Ewer*, and in other part by the lane which leads from *Richmond Green* to the river *Thames*; on the eaſt by ſuch part of the lane leading from *Richmond Green* to *Weſt Sheene*, as meaſures from the ſouth-eaſt corner of the ſaid copyhold premiſes next to *Richmond Green* northwards, three hundred and ſeventeen feet and eight inches; on the north by a line (already ſtaked out by the orders of his Majeſty, and of the ſaid viſcounteſs) running from the northern extremity of the ſaid eaſtern boundary towards the weſt, nine hundred and fifteen feet, and ſix inches; on the weſt by another line (already ſtaked out in manner aforeſaid) running from the weſtern extremity of the ſaid northern boundary towards the ſouth, ſixty-five feet, and terminating in the ſaid lane which leads from *Richmond Green* to the river *Thames*; ſhall be, and the ſame are hereby releaſed, and ſhall from henceforth veſt, remain, and be in and to the ſaid *Maurice Dreyer* and *John Daniel Dreyer* the ſons, their heirs and aſſigns, for ever, to have and to hold the ſame to the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the ſons, their heirs and aſſigns, for ever, in free and common ſoccage of his Majeſty's ſaid manor of *Richmond*, otherwiſe *Weſt Sheene*, and by no other rent or ſervice whatſoever.

How the lands are bounded that are to be veſted in Meſſ. Dreyers.

III. And be it further enacted by the authority aforeſaid, That all the reſt and reſidue of the ſeveral leaſehold premiſes, compriſed in the ſeveral letters patents herein-before recited, or referred to, and containing eighteen acres and an half, ſhall be, and the ſame are hereby ſurrendered to his Majeſty, and ſhall from henceforth veſt, remain, and be in his Majeſty, his heirs and ſucceſſors, freed and diſcharged of all eſtates, terms of years, or other intereſts, claims, or demands whatſoever, of them the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the ſons, or of the ſaid lord and lady *Fitzwilliam*, or either of them, or of any other perſon whatſoever.

The reſidue of the lands to be veſted in his Majeſty.

IV. And be it further enacted by the authority aforeſaid, That all and ſingular the ſaid meſſuages, lands, tenements, and hereditaments, hereby veſted in them the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the ſons, their heirs and aſſigns, as aforeſaid, ſhall from henceforth be and remain veſted in them, their heirs and aſſigns; and alſo that the ſaid ſum of two thouſand one hundred and fifty pounds, to be paid by his ſaid Majeſty, his heirs and ſucceſſors, immediately upon the paſſing of this act, to them the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the ſons, ſhall, from and immediately after ſuch payment thereof, be and remain veſted in them the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the ſons, their executors, adminiſtrators, and aſſigns, upon ſuch reſpective truſts, and to and for ſuch reſpective uſes, intents, and purpoſes, and in ſuch manner, for the ſole and ſeparate uſe, benefit, and diſpoſal of the ſaid *Catharine* vif-

Lands veſted in Meſſ. Dreyers to be veſted alſo in their heirs, &c.

viſcounteſs *Fitzwilliam*, as in and by the aforeſaid will of the ſaid dame *Henrietta Decker* is and are directed, declared, and expreſſed, of and concerning the reſt and reſidue of the freehold and perſonal eſtate of the ſaid dame *Henrietta Decker*, by her ſaid will and codicil deviſed and bequeathed to the truſtees therein named, for the benefit of the ſaid *Catharine* viſcounteſs *Fitzwilliam* her daughter or as near thereto as circumſtances will admit of.

CAP. LX.

An act for granting a drawback of part of the cuſtoms upon the exportation of tea to Ireland, *and the* Britiſh *dominions in* America; *for altering the drawback upon foreign ſugars exported from* Great Britain *to* Ireland; *for continuing the bounty on the exportation of* Britiſh-*made cordage*; *for allowing the importation of rice from the* Britiſh *plantations into the ports of* Briſtol, Liverpoole, Lancaſter, *and* Whitehaven, *for immediate exportation to foreign parts*; *and to impower the chief magiſtrate of any corporation to adminiſter the oath, and grant the certificate required by law, upon the removal of certain goods to* London, *which have been ſent into the country for ſale.*

Preamble. Act 7 Geo. III.

WHEREAS *the drawback allowed by an act of parliament, made in the ſeventh year of the reign of his preſent Majeſty, (intituled,* An act for taking off the inland duty of one ſhilling *per* pound weight upon all black and ſinglo teas conſumed in *Great Britain,* and for granting a drawback upon the exportation of teas to *Ireland,* and the *Britiſh* dominions in *America,* for a limited time, upon ſuch indemnification to be made in reſpect thereof by the *Eaſt India Company* as is therein mentioned; for permitting the exportation of teas, in ſmaller quantities than one lot, to *Ireland,* or the ſaid dominions in *America*; and for preventing teas, ſeized and condemned, from being conſumed in *Great Britain,*) *upon the exportation of tea into* Ireland, *and the* Britiſh *plantations in* America, *from this kingdom, will ceaſe on the fifth day of* July, *one thouſand ſeven hundred and ſeventy-two: And whereas it may tend to promote and encourage the importation of tea into* Ireland, *and the* Britiſh *colonies and plantations in* America, *from this kingdom, and prevent the illicit trade carried on with foreigners for that commodity, if a draw back of part of the cuſtoms paid here was allowed upon the exportation thereof to thoſe places:* may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That for and during the ſpace of five years, to be computed from and after the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, there ſhall be drawn back and allowed for all teas which ſhall be ſold after the ſaid fifth day

During five years, from July, 5, 1772, a drawback of three-fifth parts of duties of cuſtoms to be allowed on teas exported to Ireland or America.

day of *July*, one thouſand ſeven hundred and ſeventy-two, at the publick ſale of the united company of merchants of *England* trading to the *Eaſt Indies*, or which after that time ſhall be imported by licence, in purſuance of an act of parliament made in the eighteenth year of the reign of his late majeſty King *George* the Second, (intituled, *An act for repealing the preſent inland duty of four ſhillings* per *pound weight upon all tea ſold in* Great Britain, *and for granting to his Majeſty certain other inland duties, in lieu thereof; and for better ſecuring the duty upon tea, and other duties of exciſe; and for purſuing offenders out of one county into another;*) and which ſhall be exported from this kingdom as merchandiſe to *Ireland*, or any of the *Britiſh* colonies or plantations in *America*, three-fifth parts of the ſeveral duties of cuſtoms which were paid upon the importation of ſuch teas; which drawback or allowance, with reſpect to ſuch teas as ſhall be exported to *Ireland*, ſhall be made to the exporter in ſuch manner, and under ſuch rules, regulations, ſecurities, penalties, and forfeitures, as any drawback or allowance is now payable out of the duty of cuſtoms upon the exportation of foreign goods to *Ireland*; and with reſpect to ſuch teas as ſhall be exported to the *Britiſh* colonies and plantations in *America*, the ſaid drawback or allowance ſhall be made in ſuch manner, and under ſuch rules, regulations, penalties, and forfeitures, as any drawback or allowance, payable out of the duty of cuſtoms upon foreign goods exported to foreign parts, was, could, or might be made, before the paſſing of this act, (except in ſuch caſes as are otherwiſe provided for by this act.)

Drawback not to be allowed if not purſuant to act 10 Geo. I.

II. Provided always, and it is hereby further enacted by the authority aforeſaid, That the drawback allowed by this act ſhall not be paid or allowed for any teas which ſhall not be exported directly from the warehouſe or warehouſes wherein the ſame ſhall be lodged, purſuant to the directions of an act, made in the tenth year of the reign of his late majeſty King *George* the Firſt, and the before-recited act, made in the eighteenth year of the reign of his late majeſty King *George* the Second.

After July 5, 1772, no tea to be exported to Ireland, &c.

in ſhips of leſs burthen than 80 tons, &c.

under penalty of forfeiture of ſuch tea, and the package.

III. And be it further enacted by the authority aforeſaid, That from and after the ſaid fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, no tea ſhall be exported, or laden on board any ſhip or veſſel in order to be exported, to the kingdom of *Ireland*, or to any of the *Britiſh* colonies or plantations in *America*, in any ſhip of leſs burthen than eighty tons, nor in any cheſt, caſk, tub, or package whatſoever, other than that in which it was originally imported into *Great Britain*, nor in any leſs quantity than the whole and entire quantity contained in any cheſt, caſk, tub, or package, in which the ſame was ſold at the publick ſale of the ſaid *Eaſt India* company, or in which the ſame was imported by licence, as aforeſaid, under the penalty of the forfeiture of ſuch tea, and the package containing the ſame, of the value thereof.

IV. And it is hereby further enacted by the authority aforeſaid, That if any merchant, or other perſon, ſhall enter any tea for

Merchants entering tea for Ireland, or America, and landing it in other ports, to forfeit the drawback, and treble the value of the cargo.

for exportation to *Ireland*, or any of the *Britiſh* colonies or plantations in *America*, in order to obtain the drawback allowed by this act, and ſuch tea ſhall be carried to any other part or place beyond the ſeas, and landed there; then, and in every ſuch caſe, the drawback paid, or to be paid for the ſame, ſhall be forfeited, and the exporter of ſuch tea, and the maſter of the ſhip or veſſel on board which the ſame was loaden and exported, and every perſon concerned or aſſiſting in the exportation, or landing of the ſaid tea, whether any drawback hath been or is to be paid for the ſame or not, ſhall forfeit treble the value of ſuch tea.

Manner of proſecutions.

V. And be it further enacted by the authority aforeſaid, That the ſeveral penalties and forfeitures, as well ſpecifick as pecuniary, by this act inflicted, ſhall and may be ſued for, proſecuted, and recovered, in any of his Majeſty's courts of record at *Weſtminſter*, by action, bill, plaint, or information, in the name of his Majeſty's attorney-general, or in the name or names of ſome officer or officers of the cuſtoms, in ſuch and the like manner and form, and by the ſame rules and regulations, as other penalties and forfeitures for offences againſt the laws relating to the cuſtoms may, by any act or acts of parliament now in force, be ſued for, proſecuted, and recovered; and that one moiety of every ſuch penalty and forfeiture ſhall be to his Majeſty, his heirs and ſucceſſors, and the other moiety to ſuch officer or officers of the cuſtoms as ſhall inform and proſecute for the ſame.

After July 5, 1772, no part of the old ſubſidy ſhall be repaid, for ſugars the growth of foreign colonies.

VI. *And whereas by an act of parliament made in the ſixth year of the reign of his late majeſty King* George *the Second, intituled,* An act for the better ſecuring and encouraging the trade of his Majeſty's ſugar colonies in *America, and other acts of parliament which are now in force, no ſort of ſugars can be imported into the kingdom of* Ireland, *but ſuch only as ſhall be fairly and* bona fide *loaden and ſhipped in* Great Britain, *and carried directly from thence in ſhips navigated according to law: And whereas ſugars, the growth and manufacture of foreign plantations, not under the dominion of his Majeſty, exported from this kingdom to* Ireland, *do draw back all the duties paid down or ſecured upon the importation of ſuch ſugars, except one half of the old ſubſidy, amounting only to one ſhilling and ten-pence, and ſixteen-twentieth parts of a penny,* per *hundred weight; and it will tend to promote the exportation of* Britiſh *ſugars from this kingdom to* Ireland, *and improve and increaſe the trade of his Majeſty's ſugar colonies, if the whole of the old ſubſidy was retained upon the exportation of foreign ſugars to* Ireland *from this kingdom*; be it therefore enacted by the authority aforeſaid, That from and after the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, no part of the rate or duty commonly called *The Old Subſidy*, ſhall be repaid or drawn back for any ſugars, the growth, produce, or manufacture, of any foreign colony or plantation, not under the dominion of his Majeſty, his heirs and ſucceſſors, or for any ſugars, which are to be deemed and taken to be foreign ſugars, by any act or acts of parliament now in force, which ſhall be exported from this kingdom to *Ireland*; any law, cuſtom, or uſage, to the contrary notwithſtanding.

VII. *And*

Bounty allowed by 6 Geo. III. continued for 3 years.

VII. *And whereas by an act, made in the ſixth year of the reign of his preſent Majeſty, (intituled,* An act for allowing a bounty on the exportation of *Britiſh*-made cordage; and for diſcontinuing the drawbacks upon foreign rough hemp exported,) *a bounty was granted upon the exportation of* Britiſh-*made cordage, under certain limitations and reſtrictions in the ſaid act mentioned; which bounty will ceaſe and determine at the end of this preſent ſeſſion of parliament: And whereas it is expedient that the ſaid bounty ſhould be continued under ſome further reſtrictions*; be it therefore enacted by the authority aforeſaid, That the ſaid bounty allowed by the ſaid recited act, ſhall be, and the ſame is hereby continued from the expiration thereof, for the further term of three years, under the ſeveral regulations and reſtrictions herein-after provided and expreſſed.

No bounty allowed for cordage to Aſia, Africa, America, or the Iſle of Man.

VIII. Provided always, and it is hereby further enacted by the authority aforeſaid, That no bounty ſhall be allowed or paid by virtue of this act for any cordage, which ſhall be exported, or entered for exportation, to any part of *Aſia*, *Africa*, or *America*, the *Iſle of Man*, or the iſlands of *Faro* or *Ferro*; and that, inſtead of the oath required by the before recited act to be made by the exporter or manufacturer of ſuch cordage, on the entry or debenture ſuch exporter or manufacturer ſhall ſwear, that the ſaid cordage is of *Britiſh* manufacture, and made from hemp imported from foreign parts, or from hemp of the growth of *Great Britain*, and not from hemp of the growth or produce of the *Britiſh* colonies or plantations in *America*; and that the ſame is really and truly exported, or intended to be exported to, and landed in ſome foreign part of *Europe*, as expreſſed in the entry, by way of merchandiſe, and not for the uſe of the ſhip in her voyage, nor relanded, nor intended to be relanded, in any part of *Great Britain*, or landed, or intended to be landed, in *Aſia*, *Africa*, or *America*, the *Iſle of Man*, or the iſlands of *Faro* or *Ferro*.

Regulations and reſtrictions of act 6 Geo. III. to extend to cordage exported in purſuance of this act.

IX. And it is hereby further enacted, That, in all other reſpects, the ſeveral regulations, reſtrictions, ſecurities, penalties, and forfeitures, mentioned and preſcribed in and by the ſaid recited act, ſhall extend and be applied to cordage exported in purſuance of this act, as fully and effectually, to all intents and purpoſes, as if the ſeveral clauſes relative thereto had been repeated and again enacted in this preſent act.

Like liberty of importing rice from America, by act 5 Geo. III.

X. And be it further enacted by the authority aforeſaid, That from and after the paſſing of this act, the like liberty which is granted by an act, made in the fifth year of the reign of his preſent Majeſty, (intituled, *An act for more effectually ſecuring and encouraging the trade of his Majeſty's* American *dominions; for repealing the inland duty on coffee impoſed by an act made in the thirty-ſecond year of his late majeſty King* George *the Second, and for granting an inland duty on all coffee imported, (except coffee of the growth of the* Britiſh *dominions in* America;) *for altering the bounties and drawbacks upon ſugars exported; for repealing part of an act made in the twenty-third year of his ſaid late Majeſty, whereby bar iron, made*

in the ſaid dominions, was prohibited to be exported from Great Britain, *or carried coaſtwiſe; and for regulating the fees of the officers of the cuſtoms in the ſaid dominions,)* to import rice from any of the *Britiſh* plantations in *America*, into the port of *Plymouth*, and ſeveral other ports of this kingdom in the ſaid act mentioned, for immediate exportation into foreign parts, upon payment of one half of the old ſubſidy, ſhall be extended to the ports of *Briſtol*, *Liverpoole*, *Lancaſter*, and *Whitehaven*, under the ſame rules, regulations, and reſtrictions, in all reſpects, as are preſcribed and directed by the ſaid recited act, with reſpect to rice ſo imported into the ſeveral ports in the ſaid act particularly mentioned.

extended to Briſtol, Liverpoole, Lancaſter, and Whitehaven.

XI. *And whereas by an act, made in the ninth year of the reign of his preſent Majeſty, (intituled,* An act for better ſecuring the duties of cuſtoms upon certain goods removed from the out-ports, and other places, to *London*; for regulating the fees of the officers of his Majeſty's cuſtoms in the province of *Senegambia* in *Africa*; for allowing to the receivers-general of the duties on offices and employments in *Scotland* a proper compenſation for their trouble and expences; for the better preſervation of hollies, thorns, and quickſets, in foreſts, chaces, and private grounds, and of trees and underwoods in foreſts and chaces; and for authoriſing the exportation of a limited quantity of an inferior ſort of barley called *Bigg* from the port of *Kirkwall*, in the iſlands of *Orkney*,) *it is (amongſt other things) enacted, That if any foreign baſt, or ſtraw, chip, cane, or horſe hair hats or bonnets, foreign platting, or other foreign manufacture of baſt, ſtraw, chip, cane, or horſe hair, proper for making of hats or bonnets,* Succus Liquoritiæ, *commonly called* Spaniſh Juice, *of foreign produce or manufacture, foreign ſnuff,* Nanquin *cloth, muſlin, foreign callico, foreign dimity, or* China *earthen-ware, exceeding the quantities therein reſpectively mentioned, ſhall have been imported or ſeiſed within the port of* London, *and ſent from thence to any out-port for ſale, ſuch goods ſhall not be removed from any out-port into the port of* London, *or the members thereof, or to any place whatſoever within the diſtance of twenty miles from the* Royal Exchange *of* London, *without a certificate from the collector, or other proper officer of his Majeſty's cuſtoms, at or neareſt to the port or place from whence ſuch goods are intended to be removed, certifying that the owner or proprietor of ſuch goods hath made oath before him that the ſaid goods, and every part thereof, had been ſent to ſuch owner or proprietor from* London *for ſale, in the lawful way of trade, referring to the time when, with the name and reſidence of the perſon from whom ſuch goods were ſent, and that ſuch owner or proprietor verily believed the duties payable upon the importation of ſuch goods had been duly paid and ſatisfied, or that the ſaid goods had been before compounded for or condemned; and that the ſaid certificate ſhall expreſs the quantity and quality of the ſaid goods with the marks of the package thereof, to what places, and to whom the ſame are conſigned, and by what carriage the ſame are intended to be removed; and if the ſaid goods are removed by land, the ſaid certificate ſhall alſo expreſs and limit the time for which the ſame ſhall continue in force: and whereas ſuch goods are frequently ſent from* London *for ſale to ſeveral inland parts of this*

Oath required by act 9 Geo. III.

this kingdom, very diſtant and remote from any out-port or place where any collector, or other officer of the cuſtoms is reſident, and the proprietors of ſuch goods cannot, without great inconvenience and expence, make the proof, and obtain the certificate required by the ſaid recited act upon the return of ſuch goods: now, for remedy thereof, be it enacted by the authority aforeſaid, That from and after the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, if any of the ſaid goods, excéeding the quantities in the before recited act mentioned, which ſhall have been imported or ſeiſed within the port of *London*, and ſent from thence into the country for ſale, ſhall be afterwards removed by land from any place in this kingdom, which ſhall exceed the diſtance of five miles from any port or place where any cuſtom-houſe is eſtabliſhed, or any collector or other officer of the cuſtoms ſhall reſide, in order, and with an intent, to be brought into the port of *London*, or the members thereof, or to any place whatſoever within the diſtance of twenty miles from the *Royal Exchange* of *London*, the ſaid oath required by the ſaid recited act ſhall and may be adminiſtered by the chief magiſtrate of any corporation at or neareſt to the place from whence ſuch goods are intended to be removed, who is hereby authoriſed and required to adminiſter the ſame, and to grant a certificate thereof, in the form and to the effect required by the ſaid recited act, under his hand, and the publick ſeal of ſuch corporation; any thing in the ſaid recited act to the contrary notwithſtanding.

to be adminiſtered by the chief magiſtrate of any corporation.

XII. Provided always, and it is hereby further enacted by the authority aforeſaid, That the ſeveral forfeitures, pains, and penalties, inflicted and incurred by the ſaid recited act upon the removal of any ſuch goods, without the certificate therein directed, or falſely making oath to any of the facts by the ſaid act required to be ſworn, or for counterfeiting, raſing, or falſifying any ſuch certificate, or for knowingly or willingly making uſe of any ſuch certificate ſo counterfeited, raſed, altered, or falſified, ſhall extend to this act, and be in full force againſt every perſon who ſhall act contrary thereto, in as full and ample manner as if the ſame had been again particularly repeated and re-enacted in the body of this act.

Forfeitures of the laſt recited act to extend to this.

XIII. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, the defendant or defendants, in ſuch action or ſuit, may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to have been done, the jury ſhall find for the defendant or defendants; and if the plaintiff ſhall be non-ſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or if judgement ſhall be given upon any verdict or demurrer againſt the plaintiff, the defendant or defendants ſhall recover treble coſts, and have the like remedy for the ſame as defendants have in other caſes by law.

General iſſue.

Treble coſts.

CAP. LXI.

An act to regulate the making, keeping, and carriage of gunpowder, within Great Britain; *and to repeal the laws heretofore made for any of those purposes.*

Preamble.

WHEREAS *the manufacture of gunpowder within* Great Britain, *though necessary to be encouraged in respect of the value of gunpowder, as an article of defence and commerce, yet ought to be regulated by law, in order to prevent the great mischiefs which may arise from explosions occasioned by the improper construction and use of the mills, engines, and buildings, employed in the making of gunpowder, and for keeping and carrying gunpowder in too great quantities, or in an improper manner: and whereas the act passed in the last session of parliament, intituled,* An act for reducing into one act of parliament the several laws relating to the keeping and carriage of gunpowder, and for more effectually preventing mischiefs, by keeping or carrying gunpowder in too great quantities, *contains no provision for regulating the making of gunpowder, and is in other respects defective, on which account it may be convenient to repeal the said act, and, in the room thereof, to have a new law for regulating, as well the making as the keeping and carriage of gunpowder*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons shall use, or cause to be used any mill or mills, or other engine or engines, for the making of gunpowder, or in any manner manufacture gunpowder in any place or places within *Great Britain*, except in mills and other places where the manufacture of gunpowder shall be actually carrying on at the time of the commencement of this act, or where it shall afterwards become lawful to carry on such manufacture, by obtaining a licence for that purpose, under the provisions herein-after contained, upon pain of forfeiting all gunpowder manufactured contrary to the aforesaid provision, and also two shillings for every pound of such gunpowder.

No persons to manufacture gunpowder, except in mills where it is carrying on at the passing hereof, without a licence for that purpose.

No person hereafter to use a Pestle Mill.

II. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall, for the making of gunpowder, employ, work, or use, any mill or engine, worked with a pestle or pestles, and commonly called a *Pestle Mill*, upon pain of forfeiting all gunpowder manufactured therein, and also two shillings for every pound of such gunpowder.

Not exceeding 40 *lb.* to be made at any time under a single pair of mill stones.

III. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall, in or with any mill or engine used for the making of gunpowder, make or cause to be made, at any one time under any single pair of mill stones, any quantity of gunpowder, or materials to be made into gunpowder, exceeding forty pounds, upon pain of forfeiting all gunpowder so made at one time, and exceeding the said quantity of forty pounds, and also two shillings for every pound of such gunpowder.

IV. Pro-

IV. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall be liable to any proſecution under this act, for uſing any peſtle mill or mills in the making of gunpowder, or for making above the quantity of forty pounds of gunpowder at a time, under every ſingle pair of mill ſtones in any one mill, till after the expiration of one year from the time of the commencement of this act.

No perſon liable to proſecution for uſing peſtle mills, &c. till one year after the commencement of this act.

V. Provided always, and be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to the powder mills at this time erected in the pariſhes of *Battle*, *Crowhurſt*, *Seddleſcomb*, and *Brede*, in the county of *Suſſex*, ſo far as relates to the making ſuch fine fowling gunpowder only, as is known and diſtinguiſhed by the name of *Battle powder*.

Nothing herein to extend to the mills of Battle, Crowhurſt, Seddelſcomb, and Brede.

VI. And be it further enacted by the authority aforeſaid, That no perſon or perſons whatſoever ſhall dry, or cauſe to be dried, at any one time, in any one ſtove or place, uſed for the drying of gunpowder, any quantity of gunpowder exceeding forty hundred weight, upon pain of forfeiting all gunpowder above the ſaid quantity of forty hundred weight, and the ſum of two ſhillings for every pound of ſuch gunpowder.

Not exceeding 40 *cwt.* to be dried at one time.

VII. And be it further enacted by the authority aforeſaid, That it ſhall not be lawful for any perſon or perſons whatſoever to keep in any corning-houſe, drying-houſe, duſting-houſe, or other place, uſed for or in the making of gunpowder, or in any building adjoining or belonging thereto, (except magazines or ſtore-houſes conſtructed with ſtone or brick, and ſituate fifty yards at leaſt from the gunpowder mill or mills,) any greater quantity of gunpowder than ſhall be neceſſary for the immediate work then carrying on in ſuch corning-houſe, drying-houſe, duſting-houſe, or other place uſed for or in the making of gunpowder, upon pain of forfeiting all the gunpowder kept above ſuch neceſſary quantity, and the ſum of two ſhillings for every pound of ſuch gunpowder.

No greater quantity than neceſſary for immediate uſe to be kept in any drying-houſe.

VIII. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons, keeping or uſing any mill or mills, or other engine or engines, for the making of gunpowder, ſhall, beſides the magazine or magazines, and ſtore-houſes, near their mills, have or provide a good and ſufficient magazine or magazines, remote from their reſpective mills, for the purpoſe of receiving and ſafe-keeping all the gunpowder made at ſuch mill or mills, as ſoon as the ſame can, from time to time, be conveniently removed thereto, (which laſt-mentioned magazine or magazines ſhall be well and ſubſtantially built with brick or ſtone, near the river *Thames*, and below *Blackwall*, or in ſome other convenient place to be licenſed by the juſtices of the peace, in manner herein-after mentioned,) upon pain that all and every perſon or perſons making gunpowder, without having ſuch magazine or magazines remote from their mills, or other places of making gunpowder, ſhall forfeit the ſum of twenty-five pounds for every month during which ſuch perſon or perſons

Sufficient magazines, remote from the mills, to be provided; on penalty of 25 *l. per menſem* for every month ſuch magazine ſhall be wanting.

perſons ſhall make gunpowder without having ſuch magazine or magazines, and the ſum of five pounds for every day during which he, ſhe, or they (not being hindered by ſtreſs of weather, or other juſt impediment) ſhall wilfully neglect or delay removing, with due diligence, the gunpowder made at ſuch mill or mills, from thence, or from the magazine or magazines, and ſtorehouſes adjoining thereto, to the magazine or magazines ſo to be ſituate remote from the mill.

No proſecutions for laſt penalty to take place, till one year from the commencement thereof.

IX. Provided always, and be it further enacted by the authority aforeſaid, That no maker or makers of gunpowder ſhall be liable to any proſecution under this act, for not having a magagine or magazines remote from their reſpective gunpowder mill or mills, till after the expiration of one year, from the time of the commencement of this act.

No charcoal to be kept within 20 yards of any mill.

X. And be it further enacted by the authority aforeſaid, That all and every maker and makers of gunpowder, who ſhall keep, or permit to be kept, any charcoal within twenty yards of any mill or mills, or other engine or engines, for making gunpowder, or of any drying, corning, or duſting-houſe, or magazine or ſtore-houſe thereto belonging, ſhall forfeit the ſum of five pounds for every week during which ſuch charcoal ſhall be ſo kept.

Dealers not to keep more than 200 *lb.* of gunpowder, at one time;

XI. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall have or keep, at any one time, being a dealer or dealers in gunpowder, more than two hundred pounds of gunpowder; and not being ſuch, more than fifty pounds of gunpowder, in any houſe, mill, magazine, ſtorehouſe, warehouſe, ſhop, cellar, yard, wharf, or other building or place, occupied by the ſame perſon or perſons, (all buildings and places adjoining to each other, and occupied together, being to be deemed one houſe or place within this act,) or on any river or other water, (except in carriages loading or unloading or paſſing on the land, or in ſhips, boats, or veſſels, loading or unloading, or paſſing on any river, or other water, or detained there by the tide or bad weather,) within the following limits; (that is to ſay,) within the cities of *London* or *Weſtminſter*, or within three miles of either of them, or within any city, borough, or market town of *Great Britain*, or one mile of the ſame, or within two miles of any palace or houſe of reſidence of his preſent Majeſty, his heirs or ſucceſſors, or of her preſent majeſty the Queen, or any Queen conſort, or dowager, or within two miles of any gunpowder magazine, belonging to his Majeſty, his heirs or ſucceſſors, or within half of a mile of any pariſh church, or in any other part of *Great Britain*, (except in mills or other places which at the commencement of this act ſhall be uſed for the making of gunpowder, and the magazines, ſtorehouſes, and offices thereto adjoining and belonging, and in the places where it ſhall be lawful to make gunpowder, or to keep greater or unlimited quantities of gunpowder, by force of the proviſions herein-after contained,) on pain of forfeiting all the gunpowder beyond the quantity hereby allowed to be kept, and the barrels in which

Magazines uſed before the commencement hereof excepted.

which ſuch gunpowder ſhall be; and alſo two ſhillings for every pound of gunpowder beyond ſuch allowed quantity.

300lb. of powder may be kept for the uſe of mines.

XII. Provided always, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons to keep, for the uſe of any mine or colliery, any quantity of gunpowder, not exceeding three hundred pounds weight, in any magazine or warehouſe, ſo as ſuch magazine or warehouſe be within two hundred yards of the reſpective mine or colliery for the uſe of which ſuch gunpowder ſhall be kept, and alſo that ſuch magazine or warehouſe be not within any of the limits herein-before particularly deſcribed.

Manner of giving notice for conſtructing new mills.

XIII. *And whereas it may be neceſſary to have ſome places appointed, in which it may be lawful to erect new mills, or other engines, for making gunpowder, with proper magazines and offices adjoining thereto, and to have magazines for keeping unlimited quantities of gunpowder in places where there are no mills*, be it therefore enacted, That it ſhall be lawful for the juſtices of the peace for each county, or other diviſion, within *Great Britain*, at their general quarter ſeſſions of the peace, upon application made to them by any perſon or perſons, (ſuch perſon or perſons having given notice in writing of the intention to make ſuch application, as alſo of the place or places propoſed for ſuch purpoſes reſpectively, fourteen days before making it, to an overſeer or churchwarden of the pariſh or place in which it is propoſed to erect or make any ſuch new mill, and offices or magazine, or of an adjoining pariſh, if the place ſhall be extraparochial; which overſeer or churchwarden is hereby required to cauſe ſuch notice to be publickly read on the *Sunday* next enſuing, in the pariſh church after divine ſervice,) from time to time, to licence the erecting or having ſuch mills for making gunpowder, and proper offices adjoining thereto, or ſuch magazines for keeping unlimited quantities of gunpowder in ſuch places not being within *London* or *Weſtminſter*, or any other limits within *Great Britain*, herein-before particularly deſcribed.

Proceedings may be removed from quarter-ſeſſions to King's Bench.

XIV. *And whereas it would be proper that the determination of the ſaid court of quarter-ſeſſions, on any ſuch application, ſhould not be final, but that any perſon or perſons who ſhall be refuſed ſuch licence or appointment by the ſaid court of quarter ſeſſions, ſhould have an opportunity of bringing his or their caſe before the court of* King's Bench, *in order that the ſaid court may finally hear and determine the ſame*; be it therefore enacted by the authority aforeſaid, That in every caſe where the ſaid court of quarter-ſeſſions ſhall, on ſuch application made as aforeſaid, refuſe to licence any ſuch new mills and magazines for making and keeping gunpowder, or to appoint pieces of ground for magazines of gunpowder, remote from any mills, it ſhall be lawful for all perſons who may think themſelves aggrieved by ſuch refuſal, to apply to ſuch court of quarter-ſeſſions, for a ſpecial caſe thereupon; and the juſtices then preſent ſhall, and are hereby required, to certify the ſpecial circumſtances of the caſe in queſtion, together with the proofs offered for and againſt the application, in order that the ſaid caſe

and

and proceedings may be removed, by writ of *Certiorari*, into the court of *King's Bench*; and the ſaid juſtices ſhall, and they are hereby required, in their return to ſuch writ of *Certiorari*, to ſtate ſuch ſpecial caſe, to the end that the ſaid court of *King's Bench* may judge of the real merits thereof; and if upon the whole matter it ſhall appear to the ſatisfaction of the ſaid court of *King's Bench*, that the juſtices ought not to have refuſed the ſaid licence or appointment, then, and in ſuch caſe, the ſaid court ſhall have power, and is hereby directed to make an order upon the ſaid juſtices to grant ſuch licence, or make ſuch appointment, without any freſh application, at their next general quarter-ſeſſions of the peace; and the coſts, to be incurred by reaſon of ſuch writ of *Certiorari*, ſhall be awarded according to the diſcretion of the ſaid court of *King's Bench*.

No perſon liable to pay any penalty, till ſix months after an adjudication by the juſtices.

XV. Provided nevertheleſs, and be it further enacted, That no perſon ſhall be liable to pay any penalty or proſecution under this act, for keeping unlimited quantities of gunpowder, without ſuch licence of the juſtices, in any magazine apart and remote from any gunpowder mill, and already built and uſed for that purpoſe, in any place not being within *London* and *Weſtminſter*, and the other limits within *Great Britain* herein before particularly deſcribed, until the expiration of ſix calendar months, after an adjudication by the juſtices of the peace for the county or other diviſion, in which any ſuch magazine ſhall be, at their general quarter-ſeſſions of the peace, that the ſame is dangerous; it being hereby declared that they ſhall not have authority to make any ſuch adjudication, except on complaint made to them of any ſuch magazine, by ſome houſe-holder of the pariſh or place in which the magazine ſhall be, and after due ſummons of the owner or owners of the magazine complained of, to anſwer ſuch complaint; and after ſuch examination on oath of the witneſſes produced, to ſupport or invalidate ſuch complaint; and alſo that no perſon ſhall be liable, at any time, to any penalty or proſecution whatſoever, for keeping unlimited quantities of gunpowder, without ſuch licence of the juſtices of the peace, in any magazine erected by appointment of the juſtices of the peace, under the power given to them by any of the former acts regulating the keeping and carriage of gunpowder.

Juſtices to appoint proper ground for erecting magazines.

XVI. *And whereas by this act the makers of gunpowder will be liable to penalties for not having magazines remote from their mills, and in ſome caſes they may not be able to agree for the purchaſe of pieces of ground proper for ſuch magazines*; be it therefore enacted by the authority aforeſaid, That the juſtices of the peace for each county or other diviſion, within *Great Britain*, ſhall, on application made to them, at their general quarter-ſeſſions of the peace, by any maker or makers of gunpowder, from time to time, appoint proper and convenient pieces of ground, (not being within *London* or *Weſtminſter*, or any other limits of *Great Britain*, herein-before particularly deſcribed, and not exceeding one acre in any one place,) with the uſe of convenient roads thereto, on which pieces ſo to be appointed, ſuch makers of gunpowder

powder may erect magazines for keeping gunpowder in any quantity, after having agreed with the owners of such grounds for the purchase of the same; and if any such owner shall not agree, or by reason of any impediment cannot so agree, such justices shall issue a warrant to the sheriff of the county, or other officer having return of writs within their jurisdiction, to impanel and return before them, at such times and places as shall be appointed by such warrant, a sufficient jury, who, upon their oaths, to be administered by the said justices, shall enquire into the true value of the said pieces of ground, with the use of such convenient roads thereto, and their verdicts shall be kept with the records of the said sessions respectively; and the judgement of the said justices thereon shall be final and conclusive to all parties: and for that end the said justices shall have power to send for any persons interested, and to examine any parties or witnesses upon oath; and the sums of money so to be assessed and adjudged not exceeding thirty years purchase, shall be paid to the owners of the said ground, according to their respective interests therein, in such proportions as shall be adjudged by the said justices; and upon such payment, or in case of refusal to accept the money, then upon leaving the same with the justices, for the benefit of the owners, the inheritance of the said ground, and the use of the said roads thereto, shall be vested in the purchasers thereof, their heirs and assigns, for the purpose aforesaid, and not otherwise.

Judgement of justices to be final.

XVII. *And whereas leases or agreements for leases may have been made of magazines or other places for keeping gunpowder, and, in consequence of this act, it may become unlawful to keep unlimited quantities gunpowder in some of such magazines or places*; be it therefore enacted, That in every such case it shall and may be lawful for the lessee or tenant of any such magazine or place for keeping gunpowder, to make void any such lease or agreement, upon giving three calendar months notice in writing to the lessor or owner of such magazine or place, of the desire of the tenant to have such lease or agreement determined, and upon paying to such lessor or owner all rents and sums of money which shall become due for the same, to the time of determination limited in such notice, and upon performing all covenants and agreements on the part of the lessee or tenant to that time.

Lessee or tenant to make void former leases or agreements, on giving three months notice to the lessor.

XVIII. And be it further enacted, That no person or persons shall have or convey at any one time within *Great Britain* more than twenty-five barrels of gunpowder, in any waggon, cart, or other carriage by land, or more than two hundred barrels of gunpowder, in any barge, boat, or other vessel by water, (except in vessels with gunpowder imported from, or to be exported to, any place beyond the sea, or going coastwise,) and all gunpowder conveyed on land or water, (except in such vessels for importation or exportation of gunpowder, or going coastwise,) shall be in barrels close joined and hooped, without any iron about them, and so secured that no part of the gunpowder be

No greater quantity to be conveyed at one time than 25 barrels, by land, and not exceeding 200 barrels by water.

be ſcattered in the paſſage; and each barrel ſhall contain no more than one hundred pounds of gunpowder; and when conveyed by land ſhall be entirely incloſed in a leather bag, or a bag commonly called *A Salt Petre Bag*; and every carriage in which gunpowder ſhall be conveyed by land, ſhall have a compleat covering of wood, painted cloth, tarpaulin, or wadmill tilts, over all the gunpowder therein contained: and alſo no gunpowder ſhall be conveyed in any barge, boat, or other veſſel by water, (except in veſſels with gunpowder imported, or to be exported in manner aforeſaid, or going coaſtwiſe,) that hath not a cloſe deck; and as ſoon as any gunpowder is put on board ſuch veſſel, all ſuch gunpowder ſhall be covered with raw hides or tarpaulins; and all gunpowder, which ſhall be carried or conveyed, (except in ſuch veſſels with gunpowder for importation or exportation as aforeſaid, or going coaſtwiſe,) within any part of *Great Britain*, in greater quantity, or in other manner than is herein-before preſcribed, and the barrels in which ſuch gunpowder ſhall be, may be ſeized by any perſon or perſons who ſhall have the ſame authority to remove ſuch gunpowder and barrels, and to uſe for that purpoſe, during the ſpace of twenty-four hours after ſeizure, the carriage or veſſel in which ſuch gunpowder ſhall be ſeized, and the tackling, beaſts, and accoutrements belonging thereto, on the terms of paying a recompence for the uſe thereof; and to detain ſuch gunpowder and barrels as is herein-after given to perſons ſearching under a warrant of a juſtice of the peace; and ſuch ſeizure ſhall be for his, her, or their own uſe, on conviction of the offender or offenders.

No gunpowder to be loaded, till that condemned be unloaded.

XIX. And be it further enacted by the authority aforeſaid, That when any barge, boat, or veſſel, having ſtale, condemned, or returned gunpowder on board, arrives at the wharf, key, or other place where the ſame is intended to be landed, no perſon or perſons ſhall begin to unload, or ſhall bring down to ſuch wharf, key, or other place, with intent to load in ſuch veſſel any other gunpowder, until the whole, or a part of ſuch ſtale, condemned, or returned gunpowder, be firſt unloaded and carried away from ſuch wharf, key, or other place of landing; and after ſuch unloading and carrying away of part of ſuch gunpowder, no perſon or perſons ſhall begin to load, or ſhall ſo bring down, with intent to load, any greater quantity of other gunpowder than the part unloaded and carried away, on pain of forfeiting all ſuch gunpowder as ſhall be ſo brought down or loaded contrary to the aforeſaid proviſion.

Perſons ſmoaking on board veſſels loaded with powder to forfeit 5 l.

XX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, having the care or management of any barge, boat, or other veſſel whatſoever, (except ſhips or veſſels with gunpowder on board imported from, or to be exported to places beyond ſea, or going coaſtwiſe), loaded with gunpowder, or any other perſon on board the ſame, ſhall bring, have, or uſe, or permit any perſon or perſons to bring, have, or uſe any charcoal or other combuſtible matter, or any fire or lighted

lighted candle, or ſhall ſmoak, or wittingly permit any perſon to ſmoak, on board the ſame, all and every ſuch perſon and perſons ſhall forfeit the ſum of five pounds.

10l. penalty for perſons protracting time, in loading or unloading powder by land or water carriage.

XXI. And be it further enacted by the authority aforeſaid, That no perſon or perſons having the care of any waggon, cart, or other carriage, uſed for the conveyance of gunpowder by land, ſhall, after beginning to place or load therein any quantity of gunpowder, or beginning to unload the ſame thereout, ſtop or ſtay at any place of loading, or in the loading or unloading, ſuffer any longer time to paſs than with the uſe of all due diligence ſhall be reaſonably neceſſary for the purpoſe of loading or unloading; and no perſon or perſons having the charge or care of any barge, boat, or other veſſel uſed for the conveyance of gunpowder by water, except in the caſe of veſſels loading for importation or exportation of gunpowder to or from places beyond ſea, or going coaſtwiſe), ſhall, after beginning to load or unload any quantity of gunpowder, ſtop or ſtay at any wharf, key, or other place of loading, or in the loading or unloading thereof ſuffer any longer time to paſs than with the uſe of all due diligence ſhall be reaſonably neceſſary for the purpoſe of loading or unloading, not exceeding eighteeen hours, unleſs hindered by the weather; and every ſuch barge, boat, or veſſel, (except ſuch veſſels as aforeſaid), having ſo compleated her loading, ſhall depart from the place of loading on her courſe the firſt enſuing tide, unleſs hindered by ſtreſs of weather, or other juſt impediment; and no perſon ſhall load, take in, carry, or convey, in any waggon, cart, or other land carriage laden with gunpowder, or in any barge, boat, or veſſel laden with gunpowder, on any river, (except in the caſe of veſſels laden with gunpowder for importation from, or exportation to, places beyond ſea, or going coaſtwiſe), any other lading of any kind whatſoever; and all and every perſon and perſons offending againſt any of the aforeſaid proviſions for loading and unloading, ſhall, for each offence, forfeit the ſum of ten pounds.

No proviſion mentioned to extend to other carriages than thoſe laden with gunpowder.

XXII. Provided always, and be it further enacted by the authority aforeſaid, That none of the aforeſaid proviſions for, or relative to, the conveyance of gunpowder, or the loading or unloading thereof, ſhall extend to any other waggon, cart, or land-carriage, or any other barge, boat, or veſſel, than ſuch as ſhall be loaded with, or employed in, conveying a quantity of gunpowder exceeding one hundred pounds weight.

Juſtices to iſſue a warrant to ſearch for powder made contrary to this act.

XXIII. *And, for the more eaſy diſcovery of the making, keeping, and carriage of gunpowder contrary to the proviſions herein-before made,* be it further enacted, That it ſhall be lawful for any juſtice of the peace of any county, or other diviſion within *Great Britain*, in which gunpowder is ſuſpected to be made, kept, or carried, contrary to this act, on demand made, and a reaſonable cauſe aſſigned upon oath by any perſon or perſons, to iſſue a warrant or warrants, under his hand and ſeal, for ſearching, in the daytime, any houſe, mill, magazine, ſtorehouſe, warehouſe, ſhop, cellar, yard, wharf, or other place, or any carriage, ſhip, boat,

or veſſel, in which ſuch gunpowder is ſuſpected to be made, kept, or carried, contrary to this act; and that all gunpowder found upon ſuch ſearch to be made, kept, or carried, contrary to this act, and alſo the gunpowder barrels, ſhall be immediately ſeized by the ſearcher or ſearchers, who ſhall, with all convenient ſpeed after the ſeizure, remove ſuch gunpowder, and the barrels in which it ſhall be, to ſuch proper places as they, in conformity to the reſtrictions of this act, ſhall think fit: and in the caſe of any ſuch gunpowder ſeized in any carriage or veſſel, may uſe for the purpoſe of removal, during the ſpace of twenty-four hours after ſeizure, ſuch carriage or veſſel, with the tackling, beaſts, and accoutrements belonging thereto, (paying afterwards to the owner or owners thereof a ſufficient recompence for the uſe thereof, to be ſettled by the juſtices before whom the complaint ſhall be heard, after the ſeizure; and in caſe of nonpayment, immediately after ſettlement by ſuch juſtices, to be recoverable by diſtreſs and ſale of the parties goods and chattels, as is herein-after directed concerning the pecuniary penalties of this act); and may detain ſuch gunpowder, and the barrels in which it ſhall be, till it ſhall be adjudged, on a hearing before any two or more ſuch juſtices, whether the ſame ſhall be forfeited; and ſuch ſearcher or ſearchers, ſeizer or ſeizers, ſhall not be liable to any ſuit for ſuch detainer, or for any loſs of or damage which may happen to the ſaid gunpowder or barrels, other than by the wilful acts or neglects of them, or the perſons with whom they ſhall intruſt the keeping thereof.

Searchers to ſeize all which they find, and remove it.

Seizers not liable to damage occaſioned by detainer.

Regulation for ſecurity of the veſſels in the river Thames.

XXIV. *And, for ſecurity of the great number of ſhips and veſſels lying in the river* Thames, *and of the dock yards, wharfs, and buildings, on the ſides of the* Thames *above* Blackwall, be it further enacted, That no maſter or commander of any ſhip or other veſſel lying in the *Thames*, and outward bound, ſhall receive, or permit to be received, on board any ſuch ſhip or veſſel more than twenty-five pounds of gunpowder, (except for the King's ſervice) before the arrival of ſuch ſhip or veſſel at, over-againſt, or below *Blackwall*; and that the maſter or commander of every ſhip or veſſel coming into the river *Thames*, ſhall (except in the caſe of gunpowder for the King's ſervice) put on ſhore in proper places, in conformity to the reſtrictions of this act, all the gunpowder on board ſuch ſhip or veſſel above the quantity of twenty-five pounds, either before the arrival of ſuch ſhip or veſſel at *Blackwall*, or within twenty-four hours, (if the weather ſhall permit), after coming to an anchor there, or to the place of unloading there, and ſhall not afterwards have on board more than twenty-five pounds of gunpowder, (except for the King's ſervice), on pain of forfeiting, for every offence, in any of the ſaid caſes, all the gunpowder found on board above the weight of twenty-five pounds, and the barrels in which ſuch gunpowder ſhall be, and alſo two ſhillings for every pound of gunpowder above the quantity of twenty-five pounds.

Maſter, warden, &c. of

XXV. *And, for the better diſcovery of maſters or commanders of inward or outward-bound ſhips, who ſhall have gunpowder in their ſhips*

ſhips or veſſels in the Thames *contrary to this act*, be it further enacted, That the maſter, warden, and aſſiſtants of the corporation of the *Trinity Houſe* of *Deptford Strond*, in the county of *Kent*, for the time being, ſhall, from time to time, appoint one or more perſon or perſons, a ſearcher or ſearchers for unlawful quantities of gunpowder in ſhips or other veſſels in the river *Thames*, which perſon or perſons, ſo appointed, are hereby authoriſed, at any time between ſunriſing and ſunſetting, to enter any ſhip or veſſel (except his Majeſty's ſhips) in the river *Thames* above *Blackwall*, and to ſearch the ſame for unlawful quantities of gunpowder, and alſo ſhall have the ſame powers of ſeizing, removing to proper places, and detaining all ſuch unlawful quantities of gunpowder found on board any ſuch ſhip or veſſel, and the barrels in which ſuch gunpowder ſhall be, as are herein before given to perſons ſearching for unlawful quantities of gunpowder under a warrant of a juſtice of the peace.

the Trinity Houſe to appoint ſearchers.

XXVI. And be it further enacted, That all penalties created by this act, ſhall be recoverable before two or more juſtices of the peace for the county or other diviſion in which the offence ſhall be committed, on proof of the offence, by the oath or oaths of one or more credible witneſs or witneſſes, or on confeſſion of the offender; and one moiety of each penalty ſhall belong to his Majeſty, his heirs or ſucceſſors, and the other moiety thereof to the informer or informers proſecuting for the ſame; and where the penalty ſhall be pecuniary, in caſe of nonpayment, it ſhall be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant under the hands and ſeals of ſuch juſtices; and the overplus of the money raiſed, after deducting the penalty, and the expences of the diſtreſs and ſale, ſhall be rendered to the owner; and for want of ſufficient diſtreſs, the offender ſhall be ſent, by ſuch juſtices, to the houſe of correction, there to be kept to hard labour for any time not exceeding ſix months, nor leſs than three months, as ſuch juſtices ſhall think moſt proper.

Penalties and forfeitures how to be recovered and applied.

XXVII. And be it further enacted, That no perſon ſhall be liable to any proſecution for any offence againſt this act, unleſs ſuch proſecution ſhall be commenced within fourteen days after ſeizure of the gunpowder, or commiſſion of the offence, where there ſhall not be any ſeizure; and that if any ſuit or action ſhall be proſecuted in *England*, againſt any perſon or perſons for any thing done in purſuance of this act, ſuch perſon or perſons may plead the general iſſue, and give this act, or the ſpecial matter, in evidence, at any trial to be had thereupon, and that the ſame was done by authority of this act; and if a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their action or actions, after iſſue joined, or if on demurrer, or otherwiſe, judgement ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants ſhall recover treble coſts, and have the like remedy for the ſame, as any defendants have by law in other caſes.

Proſecution to be commenced within 14 days after ſeizure.

General iſſue.

Treble coſts.

XXVIII. And

Limitation of actions.

XXVIII. And be it further enacted, That all actions, ſuits, and proſecutions, to be commenced in *England*, againſt any perſon or perſons, for any thing to be done in purſuance of this act, ſhall be laid and tried in the county or place where the fact was committed, and ſhall be commenced within ſix calendar months after the fact committed, and not otherwiſe.

Not to extend to mills to be erected on his Majeſty's lands, &c. nor to thoſe now erected.

XXIX. Provided always, and be it further enacted, That this act ſhall not extend, or be any ways conſtrued to extend, to any mills or other buildings erected, or which may hereafter be erected, for the purpoſe of making gunpowder, in any lands belonging to his Majeſty, his heirs or ſucceſſors, or to the keeping of gunpowder at any ſtorehouſe or magazine belonging to his Majeſty, his heirs or ſucceſſors, or to hinder the trial of gunpowder by his Majeſty's officers, as is uſual, for the ſervice of his Majeſty, his heirs or ſucceſſors, or to the keeping of gunpower at the magazines now erected for that purpoſe, of *Barking*, *Creekſmouth*, in the county of *Eſſex*, and *Erith Level*, in the county of *Kent*, or to the keeping of gunpowder at the magazines or ſtorehouſes now erected near *Liverpoole*, in the county of *Lancaſter*, or the city of *Briſtol*, or to the carriage of gunpowder, to or from the King's magazines, under a ſpecial and expreſs order of the King's board of ordnance; ſuch order to contain the quantity of gunpowder ſo to be carried, and the time for which ſuch order ſhall be in force; or to the carriage of gunpowder with forces on their march, or with the militia, during their annual exerciſe; or which ſhall be ſent for the uſe of ſuch forces or militia.

Not to extend to hinder unlimited quantities to be conveyed from ſhips below Blackwall.

XXX. Provided alſo, and be it further enacted, That this preſent act ſhall not extend to hinder any perſon or perſons from carrying or conveying an unlimited quantity of gunpowder, in ſuch cloſe-decked veſſels, and manner as herein-before is directed, from any ſhips or veſſels lying below *Blackwall*, to any of the magazines for gunpowder, ſo ſituate below *Blackwall*, or from ſuch magazines to any ſhips or veſſels lying below *Blackwall*, and going to any place beyond ſea, or coaſtwiſe.

The act to commence on July 1, 1772.

XXXI. And be it further enacted by the authority aforeſaid, That this act ſhall commence, and begin to be in force, on the firſt day of *July*, one thouſand ſeven hundred and ſeventy-two; and from and immediately after the commencement thereof, an act made in the laſt ſeſſion of this preſent parliament, (intituled, *An act for reducing into one act of parliament the ſeveral laws relating to the keeping and carriage of gunpowder, and for the more effectually preventing miſchiefs, by keeping or carrying gunpowder in too great quantities*), and all former ſtatutes, ſo far as they relate to the keeping and carriage of gunpowder, ſhall be, and the ſame are hereby repealed.

Act 12 Geo. 3. &c. hereby repealed.

CAP. LXII.

An act to enable the lord biſhop of Durham, and his ſucceſſors, to raiſe a competent ſum of money, to be applied for the repairing, improving, or rebuilding, ſuch part of Tyne Bridge as belongs to the ſee of Durham.

CAP.

CAP. LXIII.

An act for redeeming one million five hundred thousand pounds of the capital stocks of three pounds per centum *annuities, in the manner, and on the terms therein mentioned; and for establishing a lottery.*

Most gracious Sovereign,

Preamble. WE *your Majesty's most dutiful and loyal subjects, the commons of* Great Britain, *in parliament assembled, being persuaded that nothing would more effectually tend to the advancement of the publick credit, and to the general interest of the kingdom, than if, from time to time, provision should be made for applying to the diminution of the national debt all such sums of money as shall not be immediately wanted for defraying the necessary publick expences, have resolved, that any person or persons, bodies politick or corporate, possessed of, interested in, or intitled unto any annuities, being part of the capital or joint stock of three pounds* per centum *annuities, consolidated by several acts of parliament made in the twenty-fifth, twenty-eighth, twenty-ninth, thirty-second, and thirty-third years of the reign of his late Majesty king* George *the Second, and several subsequent acts, which were made payable and transferrable at the bank of* England, *or of the annuities consolidated by the acts made in the twenty-fifth year of the reign of his said late Majesty King* George *the Second, and the fifth year of the reign of his present Majesty, called* Reduced Annuities, *also payable and transferrable at the bank of* England; *or of certain three pounds* per centum *annuities, which are payable and transferrable at the* South Sea *house, called* Old South Sea Annuities, *and* New South Sea Annuites; *or of three pounds* per centum *annuities, payable in respect of two millions one hundred thousand pounds, granted by an act made in the twenty-fourth year of the reign of his said late Majesty King* George *the Second, for the service of the year one thousand seven hundred and fifty-one; who, on or before the fifteenth day of* May, *one thousand seven hundred and seventy-two, and before the sum subscribed shall amount to the sum of one million five hundred thousand pounds, shall subscribe their names, or signify their consent to accept, in lieu of their interest in any part of the said principal or capital stock standing in their names, and in full satisfaction and discharge thereof, the sum of ninety pounds in money for every one hundred pounds thereof, and in that proportion for any greater or less sum or sums, composing one or more entire sum or sums of one hundred pounds, fifty pounds, or twenty-five pounds, of such principal or capital stock, one moiety thereof to be paid on or before the fifteenth day of* July, *one thousand seven hundred and seventy-two, and the other moiety thereof on or before the twentieth day of* October, *one thousand seven hundred and seventy-two, together with the interest due on the whole capital stock so subscribed to the fifth day of* July, *one thousand seven hundred and seventy-two, shall, for every one hundred pounds principal or capital stock as aforesaid so subscribed, be intitled to have and to receive four tickets in a lottery, to consist of sixty thousand tickets, at the rate of twelve pounds ten shillings for each ticket,*

Subscribers shall, for every 100l. capital stock, be intitled to four tickets in a lottery, to consist of 60,000 tickets, at 12l. 10s. each.

(and in that proportion for any greater or leſs ſum), the ſaid tickets to be paid for in manner following; (that is to ſay), That every perſon or perſons, bodies politick or corporate, ſo ſubſcribing or ſignifying his, her, or their conſent as aforeſaid, ſhall, on or before the fifteenth day of May, one thouſand ſeven hundred and ſeventy-two, make a depoſit of one pound in reſpect of the money to be paid for each ticket, as a ſecurity for making the future payments to the caſhiers of the bank of England, on or before the times herein-after limited; (that is to ſay), for and in reſpect of every ſuch ticket, two pounds, on or before the nineteenth day of June, one thouſand ſeven hundred and ſeventy-two; the further ſum of three pounds, on or before the twenty-ſecond day of July, then next following; the further ſum of three pounds, on or before the twenty-firſt day of Auguſt, then next following; and the further ſum of three pounds ten ſhillings, on or before the ſecond day of October then next following: That upon ſuch payments being completed, tickets ſhall be delivered as ſoon as the ſame can be prepared, to the perſons intitled thereto: That the ſum of ſix hundred thouſand pounds ſhall be diſtributed into prizes, for the benefit of the proprietors of the fortunate tickets in the ſaid lottery; which prizes ſhall be paid at the bank of England, in money, to ſuch proprietors, upon demand, on the firſt day of March one thouſand ſeven hundred and ſeventy-three, or as ſoon after as certificates can be prepared, without any deduction whatſoever: and that all the monies to be received by the ſaid caſhiers ſhall be paid into the receipt of his Majeſty's exchequer, to be applied, from time to time, to ſuch ſervices as ſhall then have been voted by the houſe of commons, in this ſeſſion of parliament; and every perſon or perſons, bodies politick or corporate, ſo poſſeſſed of, intereſted in, or intitled unto, any of the ſaid annuities, and ſo ſubſcribing as aforeſaid, ſhall have a certificate from the ſaid caſhiers of the governor and company of the bank of England, of the amount of the principal or capital ſtock by them reſpectively ſubſcribed, and of all ſuch ſum and ſums of money, as he, ſhe, or they, ſhall be intitled to receive, in conſideration of ſuch their ſubſcription; and in lieu and in diſcharge of his, her, or their capital ſtock ſo ſubſcribed: and the holders or bearers of ſuch certificates ſhall be paid at the bank of England the ſeveral ſums of money expreſſed in ſuch certificates, together with intereſt, after the rate of three pounds per centum per annum, on the capital ſtock ſo ſubſcribed in the manner, and at the times, herein-before deſcribed; that, upon payment of ſuch ſum or ſums of money, with ſuch intereſt, the whole of the principal or capital ſtock ſo ſubſcribed, ſhall ſtand diſcharged and be annihilated; and the annuity payable in reſpect thereof ſhall, from the ſaid fifth day of July, one thouſand ſeven hundred and ſeventy-two, ceaſe and be extinguiſhed: and whereas the following ſums have, in purſuance of the aforegoing reſolution, been ſubſcribed in books opened at the bank of England; that is to ſay, The ſum of ſeven hundred and thirty-two thouſand nine hundred and ſeventy-five pounds, part of the capital or joint ſtock of three pounds per centum annuities conſolidated, by ſeveral acts of parliament, of the twenty-fifth, twenty-eighth, twenty-ninth, thirty-ſecond, and thirty-third years of the reign of his late Majeſty King George the Second, and ſeveral ſubſequent acts which were made payable and trans-

Subſcribers in reſpect of each ticket to make a depoſit of 1 l. by May 15, 1772;

and pay in reſpect of each ticket, 2 l. by June 19;

3 l. by July 22;

3 l. by Aug. 21;

and 3 l. 10 s. by October 2, 1772.

600,000 l. to be diſtributed into prizes;

to be paid at the bank, by March 1, 1772.

Bearers of certificates to be paid, at the bank of England the ſums expreſſed, and after the rate of 3 l. *per cent. per ann.*

transferrable at the bank of England, *the ſum of three hundred and eighteen thouſand three hundred pounds, part of the capital or joint ſtock of annuities conſolidated, by the acts of the twenty-fifth and twenty-ſixth years of the reign of his ſaid late Majeſty King* George *the Second, and the fifth year of the reign of his preſent Majeſty, called* Reduced Annuities, *alſo payable and transferrable there, of the ſeveral three pounds* per centum *annuities, payable and transferrable at the* South Sea Houſe, *the ſum of one hundred and ninety-four thouſand two hundred and fifty pounds, part of the joint ſtock of old* South Sea *annuities, the ſum of one hundred and ſeventy-ſix thouſand three hundred and twenty-five pounds, part of the joint ſtock of new* South Sea *annuities, and the ſum of ſeventy-eight thouſand one hundred and fifty pounds, part of the joint ſtock of annuities, granted by an act of the twenty-fourth year of the reign of his ſaid late Majeſty; which ſeveral ſums ſo ſubſcribed, amount together, in the whole, to the ſum of one million five hundred thouſand pounds:* We your Majeſty's moſt faithful commons do therefore moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons, bodies politick and corporate, who have ſubſcribed their names, or ſignified their conſent to accept of the terms afore mentioned, ſhall have and receive, from the caſhier or caſhiers of the governor and company of the bank of *England*, in reſpect of ſuch ſums ſubſcribed as are parts of the joint ſtocks of annuities, payable and transferrable there, and from the caſhier, or accomptant-general of the company of merchants of *Great Britain* trading to the *South Seas*, and other parts of *America*, and for encouraging the fiſhery commonly called the *South Sea Company*, for ſuch parts of the ſeveral joint ſtocks of annuities as are payable and transferrable at the *South Sea Houſe*; a certificate or certificates, diſtinguiſhing the ſum or ſums ſubſcribed by him, her, or them reſpectively, and alſo diſtinguiſhing of which of the ſaid capitals or joint ſtocks afore-mentioned the ſame is, or are a part or parts, and what ſum or ſums of money, he, ſhe, or they, is or are intitled to receive for the ſame, according to the proportion of ninety pounds in money, for every one hundred pounds of ſuch ſtock or capital ſo ſubſcribed as aforeſaid; which certificate or certificates the ſaid caſhiers or accomptant-general is and are hereby authoriſed and required to make out, and deliver to the proprietor or proprietors of ſuch ſtock ſo ſubſcribed, or to ſuch perſon or perſons, as he, ſhe, or they, ſhall by writing under his, her, or their hand or hands, order and direct to receive the ſame, without any fee, reward, or gratuity whatſoever; and the ſum ſo contained or expreſſed in ſuch certificate or certificates to be in lieu of ſuch ſtock ſo ſubſcribed as aforeſaid, ſhall be paid and payable to ſuch ſubſcriber, or to the holder or bearer thereof, (ſuch certificate or certificates being firſt indorſed by the proprietor or proprietors of the ſame), in manner following;

ing; (that is to ſay), one moiety or half part of the ſum to which ſuch ſubſcriber is intitled on or before the fifteenth day of *July*, one thouſand ſeven hundred and ſeventy-two, and the remaining moiety on or before the twentieth day of *October* then next following; the ſame to be paid at the bank of *England*, and the *South Sea* houſe reſpectively, without any deduction or abatement whatſoever; and ſuch certificates ſhall not be charged with any ſtamp duties; any law or ſtatute to the contrary notwithſtanding.

Treaſury to apply a ſum ſufficient to diſcharge one moiety, which ſubſcribers are to receive by July 5, 1772.

II. And be it further enacted by the authority aforeſaid, That the commiſſioners of his Majeſty's treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commiſſioners of his Majeſty's treaſury for the time being, ſhall, and he or they are hereby authoriſed and required, to iſſue and pay, or cauſe to be iſſued and paid, out of all or any of the aids or ſupplies granted in this ſeſſion of parliament, for the ſervice of the year one thouſand ſeven hundred and ſeventy-two, unto the governor and company of the bank of *England*, the ſum of four hundred ſeventy-three thouſand ſeventy-three pounds, and fifteen ſhillings, to be by them diſtributed and applied to pay off and diſcharge one moiety of all the ſeveral ſums of money, amounting to nine hundred forty-ſix thouſand one hundred and forty-ſeven pounds, ten ſhillings, which the ſeveral ſubſcribers as aforeſaid are intitled to receive, on on before the ſaid fifteenth day of *July*, one thouſand ſeven hundred and ſeventy-two, in lieu and ſatisfaction of their reſpective capitals or ſtock ſubſcribed, and which were payable at the bank of *England* and *South Sea* houſe reſpectively; and alſo to iſſue and pay, or cauſe to be iſſued and paid, unto the ſaid governor and company of merchants of *Great Britain* trading to the *South Seas*, and other parts of *America*, and for encouraging the fiſhery (commonly called *The South Sea Company*) the ſum of two hundred and one thouſand nine hundred twenty-ſix pounds and five ſhillings, out of any of the ſaid aids or ſupplies, granted as aforeſaid, to be by them diſtributed and applied on or before the ſaid fifteenth day of *July*, one thouſand ſeven hundred and ſeventy-two, to pay off and diſcharge one moiety of all the ſeveral ſums of money, amounting to four hundred and three thouſand eight hundred and fifty-two pounds, ten ſhillings, which ſuch of the ſeveral ſubſcribers as aforeſaid are entitled to receive, in lieu and ſatisfaction of their reſpective capitals or ſtocks ſubſcribed, as were payable at the *South Sea* houſe: and

Remaining moiety to be paid before Oct. 20, 1772.

the ſaid commiſſioners of his Majeſty's treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commiſſioners of the treaſury, for the time being, are alſo authoriſed and required to pay, or cauſe to be paid, the further ſum of four hundred and ſeventy-three thouſand ſeventy-three pounds and fifteen ſhillings, to the ſaid governor and company of the bank of *England*, to be by them iſſued and applied in full diſcharge and ſatisfaction of the remaining moiety due and payable to the ſaid ſubſcribers, or the holders or bearers of

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the certificates aforeſaid, on or before the ſaid twentieth day of *October*, one thouſand ſeven hundred and ſeventy-two, to complete the whole ſum of nine hundred and forty-ſix thouſand one hundred and forty-ſeven pounds, ten ſhillings, payable there; and the ſum of two hundred and one thouſand nine hundred and twenty-ſix pounds and five ſhillings, to the ſaid *South Sea* company, to be in like manner by them paid and applied in full diſcharge and ſatisfaction of the remaining moiety due and payable to the ſeveral ſubſcribers, or the holders or bearers of certificates made out at the *South Sea* houſe, payable on the ſaid twentieth day of *October*, one thouſand ſeven hundred and ſeventy-two, to complete the whole ſum of four hundred three thouſand eight hundred and fifty-two pounds, ten ſhillings, payable at the *South Sea* houſe as aforeſaid.

Bank to tranſmit an exact liſt of all perſons intitled to the 3 *per cent.* annuities.

III. And be it enacted by the authority aforeſaid, That the governor and company of the bank of *England* ſhall cauſe an exact liſt, properly atteſted, to be tranſmitted to the ſaid *South Sea* company, of all the ſeveral perſons, bodies politick, and corporate, poſſeſſed of, intereſted in, or intitled unto, the ſeveral three pounds *per centum* annuities, payable and transferrable at the *South Sea* houſe, called *Old South Sea Annuities*, *New South Sea Annuities*, and annuities granted by an act of parliament of the twenty fourth year of the reign of his late Majeſty King *George* the Second, who have ſubſcribed their names, or ſignified their conſent, in the books opened at the bank of *England*, to accept of the terms and conditions contained in the reſolution aforeſaid, in order that the ſtock ſo ſubſcribed may be diſcharged in the ſeveral books of the ſaid *South Sea* company; and in order to enable the officers there, to make forth ſuch certificates as are herein directed to be made out, in lieu and ſatisfaction of ſuch annuities reſpectively; and the ſaid governor and company of the bank of *England*, and the ſaid *South Sea* company are hereby authoriſed, directed, and required, to diſcharge the ſeveral principal ſums, parts of the capitals or joint ſtocks ſubſcribed as aforeſaid, in order that the ſame may be totally ſunk and annihilated; and the annuities payable in reſpect of the ſame, and all allowances or charges for management thereof, may, from the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, wholly ceaſe and be extinguiſhed.

Subſcribers intitled to receive their annuity after the rate of 3 l. *per cent.* *per annum.*

IV. And be it enacted by the authority aforeſaid, That the ſeveral perſons, bodies politick or corporate, who have ſubſcribed their names, or ſignified their conſent to accept of the terms and conditions in the reſolution aforeſaid, ſhall be intitled to, and ſhall continue to have and receive, for and in reſpect of their principal or ſtock ſo ſubſcribed, their annuity or intereſt, after the rate of three pounds *per centum per annum*, to the fifth day of *July*, one thouſand ſeven hundred and ſeventy-two, and no longer.

Payment of one quarter's annuity to be ordered by the

V. *And whereas the annuities conſolidated, by the acts of the twenty-fifth and twenty-ſixth years of the reign of his late Majeſty King* George *the Second, and of the fifth year of the reign of his preſent Majeſty,*

treasury to be made to July 5. 1772.

Majesty, which are payable at the bank of England, *and also the annuities payable at the* South Sea *house, called* Old South Sea Annuities, *are directed to be paid half-yearly, on the fifth day of* April, *and the tenth day of* October, *in every year*; be it therefore enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, is and are hereby authorised and impowered to issue his or their warrant for the payment of one quarter's annuity or interest, for and in respect of the principal or stock subscribed of the said annuities, consolidated by the said acts of the twenty-fifth and twenty-sixth years of the reign of his late Majesty King *George* the Second, and of the fifth year of the reign of his present Majesty, at the bank of *England*, to the said fifth day of *July*, one thousand seven hundred and seventy-two, out of the funds applicable to the payment of the same, according to the several acts of parliament for granting those respective annuities, together with charges of management for the same time, any act or acts of parliament to the contrary thereof in any-wise notwithstanding. And the said *South Sea* company are also hereby authorised, directed, and required, to pay one quarter's annuity for and in respect of the several principal sums subscribed as aforesaid, being part of the joint stock of old *South Sea* annuities, to the said fifth day of *July*, one thousand seven hundred and seventy-two, at the same time, and in the same manner, as other annuities due and payable on the said fifth day of *July*, one thousand seven hundred and seventy-two, are directed to be paid; any act or acts of parliament, or any custom or usage, to the contrary thereof in any-wise notwithstanding.

Annuities payable to stand redeemed; and after July 5, 1772, to cease.

VI. And be it further enacted and declared, That the several annuities payable in respect of the principal sums subscribed as aforesaid, amounting in the whole to one million five hundred thousand pounds, shall stand redeemed; and, together with the charges of management for the same, shall, from and after the said fifth day of *July*, one thousand seven hundred and seventy-two, cease, determine, and be no longer paid.

Persons forging certificates, to be adjudged guilty of felony.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting any certificate or certificates, order or orders, made forth by virtue of this present act, or alter any number, figure, or word therein, or utter, vend, barter, or dispose of any such false, altered, forged, or counterfeit certificate or certificates, order or orders, or shall bring any such forged or counterfeit certificate or order, or any such certificate or order, the number whereof, or any figure or word therein, shall have been altered (knowing the same to be such) to the said cashier or cashiers, or accomptant-general of the bank of *England*, or to the cashier or accomptant-general of the *South Sea* company respectively for the time being; then, and in every such case, all and every such person or persons, being thereof con-

convicted in due form of law, ſhall be adjudged a felon, and ſhall ſuffer death as in caſes of felony, without benefit of clergy.

Subſcribers to receive at the rate of four tickets for every 100l.

VIII. And be it further enacted by the authority aforeſaid, That the ſeveral perſons and bodies politick or corporate, who have ſubſcribed their names, or ſignified their conſent to accept of the terms and conditions in the aforegoing reſolution mentioned, ſhall have and receive, at the bank of *England*, tickets in the lottery herein eſtabliſhed, in the proportion of four tickets for every one hundred pounds capital ſtock ſo ſubſcribed as aforeſaid, upon payment to the caſhier or caſhiers of the governor and company of the bank of *England* of twelve pounds ten ſhillings for each ticket, at the times, and in the manner, herein-before mentioned.

Caſhiers to give ſecurities to the commiſſioners of the treaſury, for paying the monies into the exchequer.

IX. Provided always, That ſuch caſhier or caſhiers ſhall give ſecurity to the good liking of any three or more of the commiſſioners of the treaſury, or the high treaſurer for the time being, for duly anſwering and paying into the receipt of his Majeſty's exchequer, for the publick uſe, all the monies which he or they hath or have already received, and ſhall hereafter receive, from time to time, by virtue of this act, and for accounting duly for the ſame, and for performance of the truſt hereby in him and them repoſed; and ſhall, from time to time, pay all ſuch monies as ſoon as he or they ſhall receive the ſame, or any part thereof, or within five days afterwards, at the fartheſt, into, and ſhall account for the ſame, in the exchequer, according to the due courſe thereof; deducting thereout ſuch ſums as ſhall be allowed to the ſaid caſhier or caſhiers for their labour, pains, and ſervice, in purſuance of this act, for which ſums allowance ſhall be made in his or their accounts.

Treaſury to apply the money to the ſervices voted this ſeſſion.

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for three or more of the commiſſioners of the treaſury, or the high treaſurer for the time being, to iſſue and apply, from time to time, all ſuch ſums of money as ſhall be ſo paid into the receipt of his Majeſty's exchequer, by the ſaid caſhier or caſhiers, to ſuch ſervices as ſhall then have been voted by the commons of *Great Britain* in this preſent ſeſſion of parliament.

600,000l. to be divided into prizes;

XI. And be it further enacted by the authority aforeſaid, That the ſum of ſix hundred thouſand pounds ſhall be divided into prizes, to be drawn in the ſaid lottery, in ſuch manner as is by this act appointed and directed; which ſaid ſum of ſix hundred thouſand pounds ſhall be payable out of all or any the aids or ſupplies granted in this ſeſſion of parliament, in ſuch manner as is herein-after mentioned; and the commiſſioners of his Majeſty's treaſury, or any three or more of them, or the high treaſurer for the time being, is or are hereby required and authoriſed, by warrant or warrants under his or their hand or hands, to cauſe the ſaid ſum of ſix hundred thouſand pounds to be iſſued and paid, out of the ſaid aids or ſupplies, to the governor and company of the bank of *England*, to be by them diſtributed and paid

and paid into the bank, out of the ſupplies granted this ſeſſion.

paid to, and amongſt the reſpective proprietors of the ſeveral fortunate tickets, in the manner herein-after mentioned and directed, as ſoon as certificates can be made out for the ſums due in reſpect of the ſame.

Managers and directors of the lottery to be appointed by the treaſury. Method of the lottery books. Ticket. Managers to examine the books with the tickets, and deliver them after to the caſhiers of the bank, takking a receipt for the ſame. Caſhiers to return the books, with the undiſpoſed tickets, with an account of the monies paid in. Undiſpoſed tickets to be delivered into the exchequer. Tickets of the middle columns to be rolled up, and faſtened with ſilk; and cut off indentwiſe into a box marked with the letter *(A)*. Box to be locked up and ſealed. Books to be prepared with two columns, on each of which 60,000 tickets to be printed. The number and value of the fortunate tickets. 1000 l. to each of the ſix firſt-drawn tickets, and 10001. to the laſt-drawn. Tickets of the outermoſt columns of the laſt-mentioned book to be rolled up and tied. Publick notice to be given of putting the tickets into the boxes. Lottery to begin drawing on 16 Nov. 1772. Method to be obſerved in drawing, &c.

Number of the fortunate tickets, and the ſums, to be printed.

XII. *And, to the end the fortunate may know, whether abſent or preſent, to what degree they have been ſo,* be it enacted, That the ſaid managers ſhall, as ſoon as conveniently may be after the ſaid drawing is over, cauſe to be printed and publiſhed the number of the tickets drawn againſt each fortunate ticket, and the principal ſum written on the ſame; and if any contention or diſpute ſhall ariſe in the adjuſting the property of the ſaid fortunate tickets, the major part of the ſaid managers agreeing therein ſhall determine to whom it doth or ought to belong: and if any perſon or perſons ſhall forge or counterfeit, or cauſe or procure to be forged or counterfeited, or willingly act or aſſiſt in the forging or counterfeiting any ticket or tickets, certificate or certificates, order or orders, made forth by virtue of this preſent act, or any former act, made for eſtabliſhing any lottery or lotteries, or alter any number, figure, or word therein, or utter, vend, barter, or diſpoſe of any ſuch falſe, altered, forged, or counterfeit ticket or tickets, certificate or certificates, order or orders, or ſhall bring any ſuch forged or counterfeit ticket, certificate, or order, or any ſuch ticket, certificate, or order, the number whereof, or any figure or word therein, ſhall have been altered, (knowing the ſame to be ſuch), to the ſaid managers, or any of them, or to the caſhier or caſhiers or accomptant-general of the bank of *England* for the time being, or to any other perſon or perſons whatſoever, with a fraudulent intention; or ſhall willingly aid, abet, aſſiſt, hire, or command, any perſon or perſons to commit any ſuch offence or offences as aforeſaid; then, and in every ſuch caſe, all and every ſuch perſon or perſons, being thereof convicted in due form of law, ſhall be adjudged a felon, and ſhall ſuffer death as in caſes of felony, without benefit of clergy: and the ſaid managers and directors, or any two or more of them, are hereby authoriſed, required, and impowered, to cauſe any perſon or perſons bringing or uttering ſuch forged or counterfeit ticket or tickets, certificate or certificates, as aforeſaid, or aiding, abetting, aſſiſting, hiring, or commanding, any perſon or perſons therein, to be apprehend-

Diſputes relating hereto, to be adjuſted by the managers.

Penalty for forging, &c. tickets, or certificates.

Felony.

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ed, and to commit him, her, or them, to his Majeſty's gaol of *Newgate*, or to the common gaol of the county or place where ſuch perſon or perſons ſhall be ſo apprehended, to be proceeded againſt for the ſaid felony according to law.

Offenders being out of priſon diſcovering perſons guilty, to be free, and have 50 l. reward.

XIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons who ſhall commit any ſuch offence or offences as aforeſaid, or be aiding, abetting, aſſiſting, hiring, or commanding any perſon or perſons therein, ſhall afterwards, being out of priſon, diſcover any one or more perſon or perſons, who already have, or hereafter ſhall commit, or be aiding, abetting, or concerned, in any ſuch offence or offences as aforeſaid, ſo as ſuch perſon or perſons ſo diſcovered be lawfully convicted of the ſame, ſuch diſcoverer ſhall have, and is hereby intitled to his Majeſty's moſt gracious pardon for ſuch his or her offences; and moreover ſhall be intitled to a reward of fifty pounds lawful money of *Great Britain* for every ſuch offender ſo convicted; to be paid out of the monies ariſing by virtue of this act, or any other the aids or ſupplies granted in this ſeſſion of parliament, immediately upon ſuch conviction as aforeſaid.

Proviſo.

XIV. Provided always, and it is hereby further enacted by the authority aforeſaid, That no attainder for any the offences aforeſaid ſhall make or work any corruption of blood, loſs of dower, or diſheriſon of heirs.

Managers to be ſworn.

XV. Provided always, and it is hereby enacted by the authority aforeſaid, That every perſon that ſhall be appointed as aforeſaid to be a manager and director for putting this act in execution, before his acting in ſuch commiſſion (except the adminiſtering the oath immediately herein after mentioned) ſhall take the oath following; that is to ſay,

The oath.

I A. B. *as a manager and director of the lottery to be drawn in purſuance of an act of parliament, made in the twelfth year of his Majeſty's reign, do ſwear, That I will faithfully execute the truſt repoſed in me; and that I will not uſe any indirect art or means, or permit or direct any perſon to uſe any indirect art or means, to obtain a prize or fortunate lot therein, for myſelf, or any other perſon whatſoever; and that I will do the utmoſt of my endeavour to prevent any undue or ſiniſter practice to be done by any perſon whatſoever; and that I will, to the beſt of my judgement, declare to whom any prize, lot, or ticket, of right doth belong, according to the true intent and meaning of the ſaid act.*

Which ſaid oath ſhall and may be adminiſtered by any two or more of the other managers and directors.

Caſhier to receive the ſums ſubſcribed, before receiving the lottery book;

XVI. Provided always, That it ſhall and may be lawful to and for the ſaid caſhier or caſhiers, having given ſecurity as aforeſaid, at any time or times before ſuch caſhier or caſhiers ſhall have received any book or books for the ſaid lottery from the ſaid managers, comprehending the ſaid ſixty thouſand tickets, in three columns as aforeſaid, to receive from the ſaid contributors, or adventurers, or their executors, adminiſtrators, ſucceſſors,

sors, or assigns, the monies to be by them respectively paid on account of the said lottery at one intire payment, or in such proportions and manner as aforesaid, before such cashier or cashiers shall have received such book or books; and the said cashier or cashiers shall give a note or receipt under his or their hand or hands for the sum or sums so paid; and shall be obliged thereby, and by this act, to give the bearer of every such note or receipt a ticket or tickets of the extreme column of the three columns book or books aforesaid, for every twelve pounds and ten shillings so contributed, paid, or answered, as soon as he or they shall be enabled thereunto by delivery of any such book or books to him or them from the said managers as aforesaid; any thing herein contained to the contrary notwithstanding.

and to give a note for the same;

the bearers intitled thereupon to one lottery ticket for every 12 l. 10 s. so paid.

XVII. Provided also, That in case any such contributor or adventurer as aforesaid, who shall have advanced and paid down to such cashier or cashiers a proportion of his, her, or their consideration-money towards the said lottery, his, her, or their executors, administrators, successors, or assigns, do not advance and pay unto such cashier or cashiers the remaining part of his, her, or their consideration-money, so to be paid in full for such ticket or tickets on or before the times for paying thereof as aforesaid; that then, and in every such case, every such contributor or adventurer shall forfeit and lose to his Majesty, for the use of the publick, the proportion of his, her, or their purchase-money, which he, she, or they, shall have so paid down as aforesaid towards the lottery; and in such case no ticket or tickets shall be delivered out by the said cashier or cashiers to such contributor or contributors, adventurer or adventurers, making such default; but the ticket and tickets which should have been delivered to them respectively, had they paid the full money for the same, shall be returned and delivered to the said managers and directors by the said cashier or cashiers, together with the other tickets (if any) in the outermost column of the book and books first herein mentioned and directed to be prepared, which shall not have been disposed of as aforesaid; and such ticket and tickets, upon and for which defaults of payments shall have been made as aforesaid, shall be delivered into the receipt of his Majesty's exchequer, with other the said undisposed tickets, (if any), there to be retained and kept as cash, and to be issued, sold, and disposed of for the purposes and in the manner hereinbefore directed and appointed with respect to the said undisposed tickets; and the said contributor and contributors, adventurer and adventurers, making such default, shall not have or receive, or be intitled to have or receive, any benefit or advantage for or in respect of the money which he, she, or they, shall have paid for or towards the purchase of such ticket or tickets; any thing herein contained to the contrary notwithstanding.

Contributors not making good their payments within the times limited,

forfeit their deposits with respect to the lottery;

and the tickets for such sums to be delivered back into the exchequer.

XVIII. Provided also, and it is hereby enacted by the authority aforesaid, That out of the monies to arise by the contributions to the said lottery, it shall and may be lawful to and for any three or more of the commissioners of the treasury, or the high

Treasury to pay the managers, and defray the incidental expences

high treaſurer for the time being, to reward the ſaid managers and directors, and the clerks and officers to be employed by and under them, and any other officers and perſons that ſhall and may be any ways employed in this affair, for their labour and pains, and to diſcharge ſuch incident expences as ſhall neceſſarily attend the execution of this act, in ſuch manner as any three or more of the commiſſioners of the treaſury, or the high treaſurer for the time being, ſhall, from time to time, think fit and reaſonable in that behalf; any thing in this act contained to the contrary notwithſtanding.

Limitation of the ſale of chances, &c.

XIX. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall ſell the chance or chances of any ticket or tickets in the ſaid lottery, or any ſhare or ſhares of any ticket or tickets in the ſaid lottery, for a day, or part of a day, or for a longer time leſs than the whole time of drawing the lottery then to come; or ſhall receive any money whatſoever in conſideration of the repayment of any ſum or ſums of money, in caſe any ticket or tickets in the ſaid lottery ſhall prove fortunate; or ſhall lay any wager relating to the drawing of any ticket or tickets in the ſaid lottery, either as to the time of ſuch ticket or tickets being drawn, or whether ſuch ticket or tickets be drawn fortunate or unfortunate; and all and every perſon and perſons who ſhall offend in any of the ſaid matters, ſhall forfeit and pay treble the ſum and ſums of money which ſhall have been received by ſuch perſon and perſons, contrary to the true intent and meaning of this act; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, in which no eſſoin, protection, privilege, or wager of law, or more than one imparlance ſhall be allowed; one moiety whereof to be for the uſe of his Majeſty, his heirs or ſucceſſors, and the other moiety to be paid to the perſon or perſons who ſhall ſue for the ſame; and every ſuch ſale, wager, or contract, and every agreement relating thereto, ſhall be, and is hereby declared null and void.

Penalty.

Office keepers, &c. ſelling ſhares in tickets of which they are not poſſeſſed.

XX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall keep any office or offices, or ſhall print or publiſh any ſcheme or propoſal for receiving any ſum or ſums of money, in conſideration of any intereſt to be granted for the ſame, in any ticket or tickets in the ſaid lottery, whereof ſuch perſon or perſons ſhall not then, and at the actual time of drawing ſuch ticket or tickets, be poſſeſſed, or in conſideration of any ſum or ſums of money to be repaid, in caſe any ticket, or number of tickets in the ſaid lottery, which ſhall not then, and at the actual time of drawing the ſaid ticket or tickets, be in the poſſeſſion of ſuch perſon or perſons, ſhall prove fortunate or unfortunate; all and every ſuch perſon and perſons ſhall forfeit and pay the ſum of five hundred pounds; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, in which no eſſoin, protection, wager of law, or more than one imparlance, ſhall be allowed; one moiety whereof to be for the uſe of his Majeſty, his

forfeit 500l.

his heirs or ſucceſſors, and the other moiety to be paid to the perſon or perſons who ſhall ſue for the ſame; and alſo ſhall ſuffer three months impriſonment without bail or mainprize.

Offences committed in Ireland againſt acts for preventing unlawful lotteries, made puniſhable,

XXI. And be it further enacted by the authority aforeſaid, That if any offence againſt this act, or any of the acts of parliament made in this kingdom for preventing private and unlawful lotteries, ſhall be committed in *Ireland*, the offender ſhall incur the like penalty and puniſhment, to be inflicted in like manner as if the offence was committed in this kingdom; and that ſuch penalties as by this act, or any of the ſaid acts, are directed to be recovered in any of his Majeſty's courts of record at *Weſtminſter*, ſhall, in caſe of offences committed againſt this act, or any of the ſaid acts, in *Ireland*, be recovered in any of his Majeſty's courts of record in *Dublin*.

and the penalties may be ſued for in Dublin.

The ſum of 600,000l. payable in reſpect of the fortunate tickets, is charged upon the aids in general granted this ſeſſion; and to be paid at the bank, without deduction.

XXII. And be it further enacted by the authority aforeſaid, That the ſum of ſix hundred thouſand pounds as aforeſaid, to be paid for and in reſpect of all the ſaid fortunate tickets, ſhall be, and is hereby charged upon, and ſhall be iſſued and paid out of all or any the aids or ſupplies granted in this ſeſſion of parliament, for the ſervice of the year one thouſand ſeven hundred and ſeventy-two, in manner herein-before mentioned, and ſhall be paid, upon demand, by the ſaid governor and company of the bank of *England*, in money, without any deduction whatſoever to the reſpective proprietors of ſuch fortunate tickets, on the firſt day of *March*, one thouſand ſeven hundred and ſeventy-three, or as ſoon thereafter as certificates can be made out for aſcertaining, in manner herein-after mentioned, the ſums to be paid upon the ſaid tickets; which tickets, after the drawing of the ſaid lottery is completed and ended, ſhall be exchanged for certificates, to be ſigned by ſuch of the ſaid managers as ſhall be appointed for that purpoſe.

After the drawing of the lottery, the tickets to be exchanged for certificates.

Managers to give notice of the time for taking in the tickets, and delivering out the certificates, &c.

XXIII. *And, to the end that all and every the payments upon the fortunate tickets may be more eaſily aſcertained, ſettled, and adjuſted, for the perſons who ſhall become intitled thereunto*, be it further enacted, That ſuch of the ſaid managers as any three or more of the commmiſſioners of the treaſury or the high treaſurer for the time being, ſhall appoint to take in the ſaid fortunate tickets, and deliver out the ſaid certificates for and in lieu thereof, ſhall, as ſoon as may be, give notice by advertiſement, to be printed and publiſhed in manner as they ſhall think fit, of the days and times for taking in the ſaid fortunate tickets, and delivering out of the ſaid certificates, for and in lieu of the ſame; and every certificate ſhall be numbered in courſe according to the bringing the tickets to the managers ſo to be appointed for exchanging the ſame; to which purpoſe ſuch managers ſhall enter, or cauſe to be entered, in a book or books to be by them kept for that purpoſe, the name of every perſon who ſhall bring any ſuch fortunate ticket or tickets to be exchanged for ſuch certificate or certificates, and the number or numbers of the fortunate ticket or tickets which ſhall be ſo brought, the value in money payable thereupon, and the day of the month and the year of our Lord

Certificates to be numbered.

Books to be kept for entering the names of perſons bringing tickets to be exchanged, &c.

when

when the ſame was ſo brought; which book and books ſhall lie open in the office to be appointed for taking in the ſaid tickets to be exchanged for ſuch certificates, for all perſons concerned to peruſe; all which certificates ſhall be ſigned by the managers ſo to be appointed, or the major part of them, and be directed to the chief caſhier or caſhiers of the bank of *England*.

Certificates to be ſigned, &c.

XXIV. Provided always, and be it enacted by the authority aforeſaid, That out of the monies to be received in purſuance of this act, or out of any the aids or ſupplies granted in this ſeſſion of parliament, for the ſervice of the year one thouſand ſeven hundred and ſeventy-two, any three or more of the commiſſioners of the treaſury, or the high treaſurer for the time being, ſhall have power to diſcharge all ſuch incident charges, not hereby otherwiſe provided for, as ſhall neceſſarily attend the execution of this act, in ſuch manner as to them ſhall ſeem juſt and reaſonable; and alſo to ſettle and appoint ſuch allowances as ſhall be thought proper for the ſervice, pains, and labour, of the ſaid caſhier or caſhiers, and any other perſon or perſons for receiving, paying, and accounting for the ſaid ſubſcriptions and contributions; and for performing the truſt hereby repoſed in him or them: all which allowances to be made as aforeſaid, in reſpect of the ſervice, pains, and labour, of any officer or officers of the ſaid governor and company of the bank of *England*, and of the *South Sea* company reſpectively, ſhall be for the uſe and benefit of the ſaid companies reſpectively, and at their diſpoſal only.

Treaſury to diſcharge all incident charges attending the execution of this act.

XXV. And be it further enacted, That no fee, reward, or gratuity whatſoever, ſhall be demanded or taken of any of his Majeſty's ſubjects for receiving or paying the ſaid ſubſcription or contribution-monies, or any of them, or for any tallies or receipts concerning the ſame, or for iſſuing the monies payable in reſpect of the ſaid fortunate tickets, upon pain that any officer or perſon offending by taking or demanding any ſuch fee, reward, or gratuity, ſhall, for every ſuch offence, forfeit the ſum of twenty pounds to the party aggrieved, with full coſts of ſuit; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, privilege, or wager of law, injunction, or order of reſtraint, or any more than one imparlance, ſhall be granted or allowed.

No fee to be taken for receiving or paying the contribution-monies, or for iſſuing receipts or monies, on penalty of 20*l.*

XXVI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or proſecuted, for any thing done by virtue or in purſuance of this act, ſuch perſon or perſons ſhall and may plead the general iſſue, and give this act, and the ſpecial matter, in evidence, in his, her, or their defence or defences; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall diſcontinue his, her, or their action or proſecution, or be nonſuited, or judgement ſhall be given againſt him, her, or them, upon demurrer, or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts awarded to him, her, or them, againſt any ſuch plaintiff or plaintiffs.

General iſſue.

Treble coſts.

CAP.

CAP. LXIV.

An act for building two new chapels, and providing burial places thereto, within the town of Birmingham, in the county of Warwick.

CAP. LXV.

An act to extinguish the right of common upon an acre of ground called White Lyon, *or* Hangman's Acre, *in* Saint George's Fields, *in the county of* Surrey.

Preamble. WHEREAS *the prison called* The House of Correction, *in the borough of* Southwark, *in the county of* Surrey, *is too small, unhealthy, inconvenient, and unsafe, and persons committed to the said prison for felony cannot be kept separate from those committed for small misdemeanors, which greatly tends to the ruin and entire corruption of the latter: and whereas it has, upon inquiry, been found absolutely necessary to rebuild the said prison in a more convenient situation: and whereas the county of* Surrey *is seised or possessed of an acre of ground in* Saint George's Fields, *called* White Lyon, *or* Hangman's Acre, *situate near the* King's Bench *prison, which is a proper place for erecting the said house of correction: and whereas the justices of the peace, at the quarter-session of the peace held for the said county, on the fourteenth day of* January, *one thousand seven hundred and seventy-two, did unanimously agree to build a new house of correction on the said ground: but as the owners of certain lands in* Saint George's Fields *have a right of common for their cattle, at certain times of the year, upon the said acre, promiscuously with other lands, (though such right is of no real value with respect to the said acre,) the building cannot be erected unless such right be extinguished, which cannot be done without the authority of parliament:* may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, all right of common, or common of pasture, in, over, and upon the said acre of land called *White Lyon*, or, *Hangman's Acre*, shall cease, determine, and be for ever extinguished.

After the passing hereof, all right of common upon White Lyon Acre shall cease, and be extinguished.

Publick act. II. And be it further enacted by the authority aforesaid, That this act shall be taken and allowed, in all courts, as a publick act; and all judges and justices are hereby required to take notice thereof, without specially pleading the same.

CAP. LXVI.

An act for the more easy and speedy recovery of small debts within the borough and foreign of Kidderminster in the parish of Kidderminster, in the county of Worcester.

CAP.

CAP. LXVII.

An act for incorporating the members of a society, commonly called The Marine Society, *and their successors, to be elected as therein is mentioned, and for the better impowering and enabling them to carry on their charitable and useful designs.*

WHEREAS, *in* June *one thousand seven hundred and fifty-six, a society was instituted under certain regulations for fitting and placing out men and boys to the sea service, and other charitable purposes, commonly called* The Marine Society; *which said society, during the late war with* France *and* Spain, *and at different times since the conclusion thereof, by the voluntary donations and subscriptions of charitable and well-disposed persons (amongst other charities) cloathed and fitted out five thousand four hundred and fifty-one landmen, to serve as seamen on board his Majesty's ships; and also cloathed, fitted, and placed out as servants or apprentices to officers in the King's ships, and to the merchants service at sea, six thousand three hundred and six boys, who had no visible means of support, and who voluntarily offered themselves: and whereas experience hath shewn, that the said society hath been hitherto of considerable use, and an advantage to the nation, and it is apprehended that the said society, if countenanced and supported by the laws of this realm, and established upon a respectable and permanent foundation, and vested with proper powers for enabling them to carry into execution their charitable designs, (that is to say,) the fitting out and apprenticing, or placing out, poor distressed boys, to and for the service of the royal navy, and to and for the service of other ships and vessels, the property of, and belonging to, subjects of the King of* Great Britain, *would be of much more extensive use, and a still greater benefit and advantage to these kingdoms, as being a means of supplying his Majesty's ships, in time of war, with seamen properly bred up and qualified for that service, and contributing to the commercial interests of the nation in time of peace; and also by assisting the inward police thereof, in providing for the idle, and consequently most dangerous members of society: but as it is apprehended that these salutary measures cannot be conducted with any degree of vigour, nor these useful ends attained in their full extent, without the aid and authority of parliament*; may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the right honourable *Robert* lord *Romney* baron of *Romney*, the right honourable *Robert* lord *Clive* baron of *Plassey*, in the kingdom of *Ireland*, knight of the most honourable order of the bath, sir *William Dolben* baronet, sir *George Pococke* knight of the most honourable order of the bath, *Barlow Trecothick*, *Beeston Long*, *Thomas Nash*, *John Thornton*, esquires; the right honourable *Thomas Harley*, sir *William Mayne* baronet, Preamble.

baronet, the honourable *Charles Marſham*, the reverend doctor *Glaſſe*, *Charles Gray*, *Richard Oliver*, *Anthony Bacon*, *John Julius Angerſtein*, *Michael Adolphus*, *Philip Afflick*, *John Blackburn*, *Frederick Bull*, *Thomas Bennett*, *Lewis Cheauvett*, *John Campbell*, *John Cornwall*, *John Dorrien*, *John Elliott*, *Freeman Flower*, *Jacob Gonſales*, *Francis Gregg*, *Jonas Hanway*, *Thomas Hanway*, *Robert Hunter*, *Michael James*, *John Lodge*, *John Levy*, *James Matthias*, doctor *Thomas Manningham*, *Timothy Mangles*, *Robert Nettleton*, *Gregory Olive*, *George Peters*, *George Paterſon*, *John Anthony Rucker*, *William Stead*, *John Smith*, *Robert Sherſon*, *Andrew Thomſon*, *Harry Verelſt*, *William Wood*, *Thomas Walker*, *James Warner*, and *Fowler Walker*, eſquires; ſhall, and they are here-

Governors incorporated; their title.

by declared to be governors; and that they, and their ſucceſſors, to be elected and named in manner herein-after directed and appointed, ſhall be, and they are hereby declared and adjudged to be one body corporate and politick, in deed and in name, by the name of *The Marine Society*: and that by the ſame name they ſhall have perpetual ſucceſſion, and a common ſeal, with power to change, alter, break, and make new the ſame, when, and as often as they ſhall judge the ſame to be expedient, and that they and their ſucceſſors, by the ſame name, may ſue, and be ſued, implead, and be impleaded, anſwer, and be anſwered unto, in all or any court or courts of record and places of judicature within this kingdom; and that they and their ſucceſſors, by the name aforeſaid, ſhall be able and capable in law to have, hold, receive, enjoy, poſſeſs, and retain, for the ends and purpoſes of this act, all ſuch ſum and ſums of money as have been given, deviſed, or bequeathed, or ſhall, at any time or times hereafter, be paid, given, deviſed, or bequeathed, by any charitable or well-diſpoſed perſon or perſons, to and for the charitable ends and purpoſes in this act mentioned; and that they and their ſucceſſors, by the name aforeſaid, ſhall and may, at any time hereafter, without licence in mortmain, purchaſe, take, or receive, hold, and enjoy, any lands or tenements, which ſhall or may, at any time or times, be found neceſſary for erecting buildings, and making other conveniences for the purpoſes of aſſembling and holding the courts and meetings, and of executing and tranſacting other the affairs and buſineſs of the ſaid hereby-erected corporation for any eſtate or intereſt.

To have perpetual ſucceſſion, and a common ſeal, &c.

and may purchaſe lands.

Corporation to fit and bind out apprentices.

II. And be it further enacted by the authority aforeſaid, That the ſaid corporation may, and they are hereby impowered to clothe and fit out, and bind out apprentice or apprentices, or place out, as ſervants to any of the commiſſioned or warrant officers of his Majeſty's navy, or to any other of his Majeſty's ſubjects, from time to time, any poor or diſtreſſed boy or boys that ſhall voluntarily offer him or themſelves, not being then legally an apprentice or apprentices to any other perſon or perſons whomſoever, with the conſent of the reſpective parents, when known, of ſuch boys reſpectively, for ſuch term and time, and upon ſuch conditions, as the ſaid corporation ſhall think proper, ſo as no ſuch boy, ſo to be bound or placed out as afore-

ſaid

said shall be obliged to serve, or continue in such apprenticeship or service, longer than seven years.

President, vice presidents, treasurer, and assistants names.

III. And be it further enacted by the authority aforesaid, That the right honourable *Robert* lord *Romney*, baron of *Romney*, shall be, and he is hereby appointed president of the said corporation; and that the said *Robert* lord *Clive*, sir *William Dolben*, sir *George Pococke*, *Barlow Trecothick*, *Beeston Long*, and *Thomas Nash*, shall be, and they are hereby appointed the vice presidents; and that the said *John Thornton* shall be, and he is hereby appointed treasurer of the said corporation; and that the said sir *William Mayne*, *Charles Marsham*, doctor *Glasse*, *Charles Gray*, *Anthony Bacon*, *Michael Adolphus*, *Philip Affleck*, *John Blackburn*, *Thomas Bennet*, *John Campbell*, *John Dorrein*, *Freeman Flower*, *Jacob Gonsales*, *Jonas Hanway*, *Robert Hunter*, *Michael James*, *John Lodge*, *John Levy*, *James Matthias*, *Timothy Mangles*, *Gregory Olive*, *George Peters*, *John Smith*, *Robert Sherson*, *Andrew Thomson*, *Harry Verelst*, *William Wood*, *Thomas Walker*, and *Fowler Walker*, shall be, and they are hereby appointed a committee for transacting and managing the affairs of the said corporation: and the said vice presidents, treasurer, and committee, shall continue for the space of one year only, unless respectively re-elected to the said respective offices; and the said president, or, in his absence, one or more of the vice presidents, or the treasurer, with any six or more of the other members of the said corporation, or, in the absence of the president and of all the vice presidents and treasurer, any seven or more of the said governors, shall compose a general court: and the first general court shall be held on the twenty-fifth day of *June*, one thousand seven hundred and seventy-two, at their office over the *Royal Exchange*; and shall then, and, from time to time, be adjourned to such times and places as the court shall think necessary for the due execution of this act: and a general court of the members of the said corporation shall be held four times, at the least, in every year; (that is to say) on the twenty-first day of *January*, on the twenty-first day of *April*, on the twenty-first day of *July*, and on the twenty-first day of *October*, unless such respective days shall happen to fall on a *Sunday*, and in that case on the day following, or oftener, if occasion shall require; upon notice thereof given, by the order of any five or more of the members of the said corporation, assembled at some weekly meeting, by publishing the same in the *London Gazette* five days at least before the holding every such court: and a general court shall be held in the month of *February* in every year, a like notice whereof shall be given; at which court six vice presidents, a treasurer, and a committee, (such committee to consist of such number of the governors of the said corporation as such general court shall think necessary,) and the officers and servants of the said corporation shall be elected for the ensuing year; and the governors of the said corporation, assembled at any such general court as aforesaid, or the major part of them so assembled, but not less than seven such governors, shall have full power and authority,

Vice presidents, treasurer, and committee, to be elected annually.

The first general court.

A general court to be held quarterly.

Business of the annual general courts,

in the name of the ſaid corporation, and on their account, to apply and diſpoſe of the monies already given, and which ſhall from time to time be contributed and given by any perſons or perſon on the account of any ſuch charity, and all other monies belonging or to belong to the ſaid hereby-erected corporation, to and for the purpoſes aforeſaid, and to, for, or in any other purpoſe, way, matter, or thing, relating to the ſaid charity, and for the benefit thereof, at their diſcretion; and with and under their common ſeal, to enter into any covenants and contracts for the purpoſes aforeſaid, or for any other purpoſe or purpoſes for the better effecting and carrying on the charitable uſes and deſigns aforeſaid; and to do, manage, and tranſact, and determine all ſuch other matters and things, as ſhall to them appear neceſſary and convenient for the effecting or carrying on the purpoſes aforeſaid; and ſhall and may delegate ſuch powers and authorities to the ſaid committee as they ſhall think neceſſary, for the more eaſy, ſpeedy, and effectual execution of this act: and it ſhall and may be lawful to and for the governors of the ſaid corporation, in a general court aſſembled only, or the major part of them ſo aſſembled, but not leſs than ſeven ſuch governors, to order and diſpoſe of the cuſtody of the ſaid common ſeal, and the uſe and application thereof; and to make, ordain, and conſtitute ſuch and ſo many bye-laws, conſtitutions, and ordinances, as to them, or the greateſt part of them then and there preſent, but not leſs than ſeven ſuch governors, ſhall ſeem neceſſary and convenient, touching, or in any-wiſe concerning the affairs and buſineſs of the ſaid hereby-erected corporation; and the ſame bye-laws, conſtitutions, and ordinances ſo made, to put in uſe and enforce accordingly, and at their will and pleaſure to revoke, change, and alter the ſame, or any of them; which ſaid bye-laws, conſtitutions, and ordinances ſo as aforeſaid made, ſhall be duly kept and obſerved, provided the ſame be reaſonable, and not contrary or repugnant to the ſtatutes, cuſtoms, or laws, of this kingdom, or any of the expreſs regulations of this act.

Power to apply charity money,

and to do all the matters neceſſary and delegate proper powers to committee: And to order and diſpoſe of the uſe of the common ſeal, and to make bye-laws.

No bye-laws to be binding, unleſs confirmed by a ſucceeding general court.

IV. Provided nevertheleſs, That no ſuch bye-law, rule, order, or ordinance, ſhall be binding, or have any force or effect, until the ſame ſhall have been agreed to, and confirmed by, the next ſucceeding general court, whether annual, quarterly, or extraordinary; and that the ſame method ſhall be obſerved in altering or repealing any ſuch bye-laws, rules, orders, or ordinances.

Power for the treaſurer, with conſent of the committee to inveſt all or any ſum or ſums of money to be given for the purpoſes in this act

V. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the treaſurer for the time being of the ſaid hereby-erected corporation, and he is hereby authoriſed and required, from time to time, by and with the conſent and approbation of the committee thereof for the time being, or the major part of ſuch committee, to be teſtified in writing under their hands, to lay out and inveſt all or any ſuch ſum or ſums of money, as hath or have been given, deviſed, or bequeathed, or ſhall, at any time or times hereafter, be

be paid, given, deviſed, or bequeathed, by any charitable or well-diſpoſed perſon or perſons, to and for the charitable ends, intents, and purpoſes in this act mentioned, or any part thereof, other than and except ſuch and ſo much thereof as the exigencies of the ſaid corporation ſhall call for the immediate application or expenditure of, in any of the publick funds, in his own name, and, from time to time, with ſuch conſent and approbation as aforeſaid, to alter and transfer ſuch funds, and make ſale thereof.

mentioned except ſo much as the exigencies of the corporation ſhall require in any of the publick funds.

VI. And it is hereby enacted and declared, That the monies ariſing from or by ſuch ſale or ſales, or ſo much thereof as ſhall not be again laid out and inveſted with ſuch conſent and approbation as aforeſaid, in ſome other of the publick funds, and alſo all the dividends, intereſt, and annual proceed, which ſhall, from time to time, ariſe from ſuch funds, ſhall, from time to time, be applied to and for the uſes, ends, intents, and purpoſes, in this act mentioned.

Monies ariſing by ſuch ſales, dividends, &c. to be applied for the purpoſes of this act.

VII. Provided always, and be it further enacted by the authority aforeſaid, That in caſe of the death or reſignation of the preſident, or of a vice preſident, or treaſurer, of the ſaid corporation, it ſhall and may be lawful to and for the governors of the ſaid corporation, at any general court, or the major part of them then there preſent, but not leſs than ſeven ſuch governors, to nominate and appoint a preſident, vice preſident or vice preſidents, or treaſurer, in the room of the preſident, vice preſident or vice preſidents, or treaſurer, ſo deceaſed, or having reſigned.

Vacancies to be filled up at a general court.

VIII. *And, to the intent that there never may be wanting a competent number of governors of the ſaid hereby-erected corporation, and for perpetuating the ſucceſſion thereof*, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the governors of the ſaid corporation, at ſuch general court, or the greater part of them that ſhall be preſent at any ſuch general court to be held as aforeſaid, but not leſs than ſeven ſuch governors, to elect and chuſe ſome other fit and able perſon or perſons to be a governor or governors of the ſaid hereby-erected corporation, in the room or place of ſuch of the perſons before mentioned, or to be from time to time elected governors as aforeſaid, as ſhall happen to depart this life, or ſhall refuſe to continue and remain, to be a governor or governors.

Direction touching the election of members.

IX. And be it further enacted, That all queſtions upon the proceedings of the ſaid corporation, at any general court or committee, ſhall be decided by vote; and in caſe of an equality of voices, the preſident or chairman ſhall have the caſting vote; and upon demand of any five governors of the ſaid corporation preſent at ſuch general court or committee reſpectively, the ſame ſhall be determined by ballot, to be immediately proceeded upon and completed.

Queſtions at a general court, or committee, to be decided by vote, unleſs members demand a ballot, and there to be determined accordingly.

X. And be it further enacted, that the governors of the ſaid corporation, at a general court, or the major part of them preſent at ſuch general court, but not leſs than ſeven ſuch governors, ſhall have power, from time to time, and at all times, to fill

General court impowered to fill up vacancies in committee

and appoint such officers, &c. as shall be necessary, and to remove or suspend them:

and to allow them reasonable salaries.

Committee at their weekly or other meetings, impowered to suspend or remove officers, &c. and appoint others, till a general court be held.

fill up any vacancy or vacancies in the committee, and appoint such other officers and persons as they shall think necessary to employ for the purposes, and in the execution of this act, and, from time to time, to suspend or remove all such officers and other persons, or any of them, as they shall think fit, and appoint others in case of death, or such suspension or removal; and may, out of the monies to be received for the purposes of this act, make reasonable allowances to such officers and other persons for their services: and it shall and may be lawful to and for the said committee so to be appointed, or any five or more of them, at any weekly or other meeting, to suspend or remove any such officers and other persons, and to appoint others in case of death, or such suspension or removal, until a general court shall be held; and the governors of the said corporation, at any such general court, or the major part of them then present, but not less than seven, may confirm such appointment or appointments, or may remove such officers or other persons, and appoint others in their room, as they shall think fit; and all and every such officers and other persons shall, from time to time, when thereunto required by the said committee, or any five or more of them, make and render to the said committee, or any five or more of them, a true, exact, and perfect account in writing, under their respective hands, upon oath, to be taken before two or more of the said committee, (which oath any two of the said committee are hereby impowered to administer,) of all monies which he, she, or they, and every of them respectively, shall to that time have received, paid, and disbursed by virtue of this act, or by reason of their respective offices; and in case any money so received shall remain in their or any of their hands, the same shall be paid to the said committee, or any five or more of them, or to such person or persons as they shall appoint to receive the same; and in case any such officer, or other person, shall not make and render, or shall refuse to verify, upon oath, any such account, or to make such payment as aforesaid, then any one or more justice or justices of the peace for the county of *Middlesex*, or for the city of *London*, shall and may, upon complaint to him or them, make enquiry of and concerning such default in a summary way, (as well by confession of the parties themselves, as by the testimony of one or more credible witness or witnesses upon oath, which oath the said justice or justices is and are hereby impowered and required to administer;) and if any such officer or person shall be convicted of any such offence, such justice or justices shall, upon such conviction, commit the party offending to the common gaol of the county of *Middlesex*, or of the city of *London*, there to remain, without bail or mainprize, until he or she shall have made a true and perfect account and payment as aforesaid, or until he or she shall have compounded and agreed with the said committee, or any five or more of them, and have paid such composition-money; which composition the said committee, or any five or more of them, are hereby impowered to make.

XI. Pro-

Treaſurer to account at a general court.

XI. Provided always, and it is hereby further enacted and declared, That the treaſurer for the time being of the ſaid corporation ſhall not be obliged to account with ſuch committee, or any of them, but ſhall give in his accounts, from time to time, when required, at a general court, there to be examined, and allowed or diſallowed, and ſhall pay over all the monies remaining in his hands, and transfer all the funds ſtanding in his name, as treaſurer aforeſaid, to the treaſurer immediately ſucceeding him, on demand.

Perſons giving 12 l. 12 s. at any one payment, or ſubſcribing 2 l. 2 s. *per annum*, to have preference of being governor,

and have equal powers with thoſe inſerted in this act.

XII. *And, for the encouragement of ſuch as ſhall be benefactors to the ſaid charity*, be it enacted by the authority aforeſaid, That if any perſon ſhall, at one payment, pay into the hands of the treaſurer of the ſaid corporation for the time being, or ſuch perſon as ſhall be deputed for receiving the ſame, the full ſum of twelve pounds twelve ſhillings, or ſhall ſubſcribe and pay the yearly ſum of two pounds two ſhillings for the ſpace of eight years, for the uſe of the ſaid corporation, every ſuch perſon ſhall be capable of being elected a governor of the ſaid corporation.

XIII. And it is hereby enacted and declared, That every perſon and perſons who, in conſequence of ſuch payment as aforeſaid, or in purſuance of any bye-law hereafter to be made, ſhall be duly choſen and elected a governor of the ſaid corporation, ſhall, from and after ſuch election, be, to all intents and purpoſes, a governor of the ſaid corporation, as fully and effectually as if the name or names of ſuch perſon and perſons was or were inſerted and included in this act.

Indenture to be one ſingle ſtampt piece of paper or parchment.

XIV. And be it enacted by the authority aforeſaid, That every indenture whereby any child or children reſpectively ſhall, from and after the twenty-fifth day of *June*, one thouſand ſeven hundred and ſeventy-two, be bound an apprentice or apprentices, or otherwiſe placed out by the ſaid corporation, ſhall be good and valid to all intents and purpoſes, although the ſame be not ſtamped with any other ſtamp than a ſingle ſixpenny ſtamp; and that the age of every ſuch child or children ſhall be mentioned in their indentures, which age ſhall be taken to be their true age, ſo far as regards this preſent act, or any matter or thing herein contained, without any further proof thereof; any law, cuſtom, or uſage, to the contrary thereof in any-wiſe notwithſtanding.

Boys age to be mentioned.

No ſuch apprentice, or ſervant, to be impreſſed, &c. until 18 years old.

XV. And be it further enacted by the authority aforeſaid, That no ſuch apprentice or apprentices, ſervant or ſervants, ſo to be bound or placed out as aforeſaid, ſhall be impreſſed into his Majeſty's ſervice at ſea, or into the ſea ſervice of his Majeſty's heirs or ſucceſſors, until ſuch apprentice or apprentices, ſervant or ſervants reſpectively, ſhall arrive to the age of eighteen years.

Perſons ſerving ſuch apprenticeſhips, or ſervants, may exerciſe trades.

XVI. And be it further enacted by the authority aforeſaid, That all ſuch perſon and perſons as ſhall be bound out an apprentice or apprentices to the ſea ſervice, and ſhall ſerve out their reſpective apprenticeſhips, not being for a leſs time than four years, may ſet up and exerciſe ſuch trade or buſineſs as they are apt and able for, in any town or place within the kingdoms of

Great Britain or *Ireland*, without any let, ſuit, or moleſtation of any perſon or perſons whomſoever, for or by reaſon of the uſing of ſuch trade or buſineſs: and if any ſuch perſon or perſons who ſhall have been ſo bound as aforeſaid, and ſhall have ſerved out their reſpective apprenticeſhips as aforeſaid, ſhall be ſued, impleaded, or indicted in any court whatſoever within the ſaid kingdoms, or either of them, for uſing or exerciſing any ſuch trade or buſineſs as aforeſaid, then ſuch perſon or perſons who ſhall have been ſo bound as aforeſaid, and ſhall have ſerved out their reſpective apprenticeſhips as aforeſaid, making it appear to the ſame court where they are reſpectively ſo ſued, impleaded, or indicted, that they reſpectively have been ſo bound as aforeſaid, and have ſerved out their reſpective apprenticeſhips as aforeſaid, ſhall, upon the general iſſue pleaded, be found not guilty in any plaint, bill, information, or indictment, exhibited againſt them reſpectively; and ſuch perſons reſpectively as, notwithſtanding this act, ſhall proſecute their ſaid ſuit by bill, plaint, information, or indictment, and ſhall have a verdict paſs againſt them reſpectively, or become nonſuit therein, or diſcontinue the ſaid ſuit, ſhall pay unto ſuch perſon or perſons reſpectively who ſhall have been ſo bound as aforeſaid, and ſhall have ſerved out their reſpective apprenticeſhips as aforeſaid, and ſhall be ſo ſued, impleaded, or indicted, double coſts of ſuit; to be recovered as any other coſts at common law may be recovered; and all judges and jurors before whom any ſuch ſuit, information, or indictment ſhall be brought, and all other perſons whomſoever, are to take notice of this preſent act, and ſhall conform themſelves thereunto, any ſtatute, law, ordinance, cuſtom, or proviſion, to the contrary in any-wiſe notwithſtanding.

For preſerving the privileges of Oxford and Cambridge.

XVII. Provided always, That this act ſhall not in any-wiſe be prejudicial to the privileges of the univerſities of *Cambridge* and *Oxford*, or either of them, or extend to give liberty to any perſon to ſet up the trade of a vintner, or to ſell any wine, or other liquors, within the ſaid univerſities, or either of them, without licence firſt had and obtained from the vice-chancellors of the ſame reſpectively.

Juſtices to determine complaints between maſters and apprentices.

XVIII. And be it further enacted by the authority aforeſaid, That two or more juſtices of the peace, in their reſpective counties, and dwelling in or near any of the ports aforeſaid, and all mayors, aldermen, bailiffs, and other chief officers and magiſtrates of any city, borough, or town-corporate, in or near adjoining to ſuch port or ports to which any ſuch ſhip or veſſel aforeſaid, having any ſuch apprentice or ſervant on board, ſhall at any time arrive, ſhall have full power and authority, and are hereby authoriſed and impowered to inquire into and examine, hear and determine, all complaints of hard and ill uſage from the ſeveral and reſpective maſters to ſuch their apprentice and apprentices, ſervant and ſervants, ſo to be bound and placed as aforeſaid, and reſpectively to make ſuch orders therein as now they are, and hereafter may be enabled by law to do in other caſes between maſters and apprentices, or ſervants, in this act.

XIX. *And*

XIX. *And whereas, under and by virtue of the laſt will and teſtament of* William Hicks, *late a member of the company of merchants adventurers of* England, *reſiding in the city of* Hamburgh, *and of a decree or decretal order of the high court of chancery of* Great Britain, *bearing date the twenty-third day of* June, *one thouſand ſeven hundred and ſeventy, made in a certain cauſe, wherein his Majeſty's attorney general, at the relation of the ſaid* John Thornton *eſquire, on the behalf of himſelf and the other members of the ſaid* Marine Society; *and alſo the ſaid other members and informants and plaintiffs, and* Charles Johnſtone *and others, are defendants; the ſaid ſociety is intitled to eleven full and equal twentieth parts, (the whole into twenty equal parts to be divided,) of the ſum of twenty thouſand pounds, in caſe the eſtate and effects of the ſaid* William Hickes *will extend to pay the ſame: and whereas, in reſpect of what the ſaid ſociety are ſo intitled unto, there is now ſtanding in the books of the governor and company of the bank of* England, *in the name of the accomptant general of the ſaid court of chancery, and to the credit of the ſaid cauſe, in truſt for ſaid* Marine Society *the ſum of five thouſand five hundred and ſeventy-one pounds, twelve ſhillings and four-pence, bank three* per centum, *conſolidated annuities, the dividends of which are applied to effect the charitable deſigns of the ſaid ſociety, purſuant to the ſaid will and decree:* Now, it is hereby enacted and declared by the authority aforeſaid, That the ſaid ſum of five thouſand five hundred and ſeventy-one pounds, twelve ſhillings and four pence, bank three *per centum* conſolidated annuities, and all and every ſum and ſums of money to which the ſaid *Marine Society* is or may be intitled, under, or by virtue of the ſaid will and decree, or decretal order, together with the intereſt, dividends, and produce thereof, ſhall be, and is and are hereby fully and abſolutely veſted in the ſaid hereby-erected corporation; and that the ſaid corporation, at any general court or courts, to be held in purſuance of this act, ſhall have, and the ſame is hereby veſted with, full power and authority, from time to time, to apply and diſpoſe thereof, and of every or any part thereof, to and for the charitable purpoſes of the ſaid corporation, purſuant to the will of the ſaid *William Hickes*. **The Society to recover the money bequeathed by Mr. Hickes' teſtament.**

XX. And be it further enacted, That if any action ſhall be brought, or ſuit commenced, againſt any perſon or perſons for any thing done in purſuance of this act, or in relation to the premiſes, or any of them, every ſuch action or ſuit ſhall be laid or brought within ſix months next after, in the county or place where the fact was done, and not elſewhere; and the defendant or defendants, in ſuch action, may plead the general iſſue, and give this act, and the ſpecial matter in evidence, at any trial to be had thereupon, and that the ſame was done in purſuance, and by the authority of this act: and if the ſame ſhall appear to have been ſo done, or if any ſuch action or ſuit ſhall not be brought within the time before limited, or ſhall be brought in any other county or place than as aforeſaid, then the jury ſhall find for the defendant or defendants; or if the plaintiff or plaintiffs ſhall become nonſuit, or ſuffer a diſcontinuance of his, her, or their action **Limitation of actions.** **General iſſue.**

tion or actions; or if a verdict ſhall paſs againſt the plaintiff or plaintiffs; or if, upon demurrer, judgement ſhall be given againſt the plaintiff or plaintiffs, the ſaid defendant ſhall have double coſts, and ſhall have ſuch remedy for recovering the ſame as any defendant or defendants hath or have for coſts in other caſes by law.

Double coſts.

Publick act.

XXI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed and taken to be a publick act; and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and others, without ſpecially pleading the ſame.

CAP. LXVIII.

An act for the better relief and employment of the poor within that part of the parish of Saint Sepulchre, which is in the county of Middleſex; and for paving, cleanſing, lighting, watching, and regulating the ſquares, ſtreets, lanes, alleys, courts, yards, and open paſſages and places, within the ſame; and for removing annoyances therefrom; and for making the communication between Charter-houſe Square and Saint John Street, through Charter-houſe Lane, more convenient.

Preamble. A liſt of eight veſtrymen to be made out by the veſtrymen, and returned to a petty ſeſſions, out of whom juſtices are to appoint four overſeers. Veſtrymen to aſcertain the money to be raiſed for the relief of the poor; and within 14 days after to meet again, and to make one general pound-rate for that purpoſe. Notice to be given of the rates, and of the time and place of hearing appeals. Perſons diſſatisfied with the determination of the juſtices, may appeal to the quarter-ſeſſions. Where houſes are let in ſeparate apartments, the landlord to be charged with the rate. The occupier is to pay the rate, and deduct it out of the rent. No other poor's rate to be made. Landlords not to be aſſeſſed for increaſed rents on that account. Rates may be levied by diſtreſs. Majority of veſtrymen at publick meetings, to act. Veſtry to make by laws for government of the poor, which are not to be in force till confirmed. Not to be altered afterwards but in veſtry, which ſhall be afterwards approved at a ſubſequent meeting. No rules to be repugnant to law. Veſtrymen may employ the poor, and apply the profits in aid of the rates, and contract for proviſions, &c. or for their keeping and work. Overſeers of the poor ſhall pay what ſhall become due on ſuch contracts. Veſtrymen to puniſh the poor who are idle, or miſbehave themſelves. Children found begging to be taken up, and kept until of age, or till married; and perſons, till diſcharged by law; and puniſhed for miſbehaviour. Laws to be in force, where not altered by this act. Perſons buying or taking in pawn cloaths or materials, to forfeit 40 s. to be levied by diſtreſs. For want of diſtreſs to be committed. Accounts to be entered in books, and to be inſpected without fee. Commiſſioners names. Commiſſioners, how to be elected. Qualification of commiſſioners. Penalty on acting if not qualified. Commiſſioner to hold a place of profit. Juſtices may act, unleſs intereſted; and adminiſter oaths. All actions to be brought in the name of the treaſurer. Firſt meeting of commiſſioners; who have power to adjourn; and to call meetings upon any emergency. Commiſſioners to pay their own expences. Majority at publick meetings to act. Proceedings to be entered in a book, to be read in evidence. No act valid unleſs done at a publick meeting. Commiſſioners to appoint officers; and to pay their ſalaries. Officers taking larger fees than allowed by commiſſioners, to forfeit 100l. Pavements veſted in the commiſſioners, who may cauſe the ſtreets, &c. to be new paved. Old materials may be ſold. Materials alſo may be made uſe of. Property of poſts, &c. veſted in commiſſioners. To be levied and recovered by diſtreſs and ſale. For want of diſtreſs offender to be committed. Commiſſioners to hire ground for getting gravel; and buy materials, and hire workmen. Commiſſioners may contract for cleaning, lighting, and paving. Perſons carrying away cinders, to forfeit 5 s. Owners of carts to

pay

pay 5s. for each offence. Works to be inſpected by ſurveyors. Commiſſioners may compound for breach of contract. Penalty on altering the form of the ſtreets, &c. not exceeding 5l. nor leſs than 40s. Notice to be given when pavements want repair. Penalty on paviors neglecting their duty. If ſurveyors think ſuch pavements not defective, &c. commiſſioners to view the ſame. Where materials may be lodged. Streets, &c. to be watered. Incroachments, &c. to be removed. Signs, &c. how to be fixed. Perſons refuſing to treat, value to be aſcertained in ſuch manner as is after directed, with relation to Charter-houſe Lane. Money awarded for premiſes ſettled to like uſes. In caſe of diſputes, &c. monies to be paid into the treaſurer's hands. Conſideration money how to be paid. Names of ſtreets to be affixed up, and houſes numbered. Penalties on defacing numbers, &c, not exceeding 40s. nor leſs than 10s. Annoyances how to be removed; and the penalty on perſons not complying. Penalty on not removing casks, &c. after notice not leſs than 5s. Penalty if nuiſances are continued. Licences may be granted for erecting hoards, &c. Perſons ſifting lime, &c. in any ſquare, &c. to forfeit 40s. Penalty on driving carriages, &c. on the foot-pavements, or throwing aſhes, &c. Foot-ways to be ſwept, &c. once a day. Stands of hackney coachmen, &c. to be regulated. Times of emptying bog houſes, &c. Where any of the water-pipes break, notice to be given to the pavior, who ſhall, for every neglect in doing his duty, forfeit 20s. Pavements when taken up, to be relaid under the inſpection of the ſurveyor. Pipes replaced at requeſt, proprietors to pay expences, &c. Commiſſioners may compound for the relaying ſuch pavement. For recovery of monies expended in relaying the pavement. Expences of altering pipes for the purpoſes of this act to be borne by the commiſſioners. Paviors, &c. to give notice of their places of abode. Grates over ſewers to be made by the commiſſioners. Commiſſioners may rectify the ſewers, &c. Rate to continue only till expence paid. New ſewers, &c. may be made by the commiſſioners. Commiſſioners of ſewers to be ſummoned to meet when any works neceſſary to be done by them. Lamps to be ſet up, &c. Lamp-irons where to be affixed. Penalty on perſons extinguiſhing or damaging lamps, is 20s. for every lamp. Perſons accidentally damaging lamps to make ſatisfaction. On nonpayment to be levied by diſtreſs. Commiſſioners impowered to appoint watchmen, &c. and make rules, orders, and regulations for the conſtables, &c. and better watching. Copies of regulations to be delivered to conſtables and headboroughs. Diſturbers of the peace may be ſecured. Penalty on watchmen neglecting their duty. Penalty on conſtables, &c. neglecting their duty. Commiſſioners impowered to widen Charter-houſe Lane, &c. Materials veſted in the truſtees. Bodies politick, &c. may contract for ſale. On refuſal to treat, value to be ſettled by a jury. Juries may be impanelled. Juries may be challenged. Penalty on ſheriffs, jurymen, and witneſſes, making default. Witneſſes may be ſummoned. Jury may aſſeſs the value and proportionable ſums to be paid to every perſon intereſted, which verdict to be binding, and recorded in the office of the clerk of the peace. Expences of the Jury how to be borne. Verdict not binding unleſs money paid within three months. On payment of purchaſe-money, premiſes to be conveyed. On refuſal or incapacity to convey, &c. or mortgagees refuſing to take their mortgage-money, the ſame to be paid into the bank in the name of the accountant general of the court of chancery. Perſons claiming may recover their money by the order of that court in a ſummary way, or otherwiſe. Receipts to be regiſtered. Premiſes veſted in the commiſſioners. Purchaſe-money, before application to chancery, may be placed out at intereſt. Perſons intitled to the meſne profits may recover againſt the perſon receiving. Commiſſioners to make orders on the bank for inveſting money in the funds. Commiſſioners not anſwerable for monies ſo depoſited. Mortgagees to aſſign upon tender of principal and ſix months intereſt. Tenants to quit on notice given. Monies payable to bodies corporate, &c. to be re-inveſted in purchaſe of other eſtates. In what manner houſes, &c, may be purchaſed. Commiſſioners may let or ſell any overplus ground, &c. Application of that money. Powers of this act not to extend to eſtates belonging to the Charter-houſe, without conſent

ſent of the governors. Rates. Commencement of rates. Rates not to continue after the money is paid. Rates to be ſigned by juſtices of the peace. Manner of recovery, if any perſon refuſe payment. How rates may be recovered from perſons quitting their houſes, &c. Commiſſioners may ſue in the name of their treaſurer. Empty houſes how to be rated. How ſuch rates are to be paid. Owners deemed occupiers. Occupiers to pay the rates; and may be deducted out of their rents. Landlords not to be charged for increaſed rents, on account of paying the rates. Publick buildings, &c. to be rated. Unfiniſhed houſes, &c. to be rated. Places built upon, and not paved, to be viewed, &c. and notice left with owners, and may be compounded for, or paved by the commiſſioners, at the owners expence. Owners of vacant ground not chargeable for more than 200 ſquare yards. Entries of rates. Coutracts between landlord and tenant not to be void. Perſons paying rates exempted from paving, &c. Arrears not to be excuſed. Exemption of Charter-houſe Square. Collector to pay to the treaſurer, and not to retain money in hand. Commiſſioners may borrow money on credit of the rates. Annuities to be raiſed on the credit of the rates. If annuitants die other perſons may purchaſe until mortgages paid off. Annuities not liable to taxes. Securities, &c. may be aſſigned. Securities, &c. to be entered in a book. Treaſurers to pay money into the bank Treaſurers, &c. to account on oath. Officers refuſing to account to forfeit 10l. For want of goods offenders to be committed Offenders not to be detained longer than ſix months. Collectors to account four times a year. On death or bankruptcy of officers, legal repreſentatives to pay the monies remaining in hand to the treaſurer, whoſe receipt ſhall be a diſcharge. On nonpayment, actions may be commenced. Treaſurer to pay monies drawn upon him, and keep a regular account in a book. Commiſſioners obtaining a verdict, defendant to pay double coſts. Penalties and forfeitures how to be recovered and applied. Informer deemed a competent witneſs. Commiſſioners may reward informers. Diſtreſs not to be deemed unlawful for want of form. Plaintiff not to recover if tender of amends hath been made. Perſons aggrieved may appeal to the quarter-ſeſſions. Writings to be without ſtamps. Proceedings not to be quaſhed for want of form. Expences of the act how to be borne. Limitation of actions. General iſſue. Treble coſts. Publick act.

CAP. LXIX.

An act for paving, lighting, cleanſing, watering, and watching the ſtreets, and other publick places within ſuch part of the pariſh of Saint Pancras, in the county of Middleſex, as lies on the weſt ſide of Tottenham-court Road; and for preventing nuiſances and obſtructions therein; and for obliging the truſtees for the care of the ſaid road to pave, repair, and cleanſe ſuch part of the ſaid road, as is therein deſcribed.

Preamble. Commiſſioners names. On death, &c. of commiſſioners, others to be choſen. Qualification of commiſſioners who now may act, and of thoſe who hereafter may be elected. Penalty on acting if not qualified. No commiſſioner to hold a place of profit. Commiſſioners to appoint officers, &c. and may remove them and appoint others; and allow them ſalaries. Penalty on officers receiving fees above their ſalaries. Firſt meeting of the commiſſioners. For want of a ſufficient number to act, &c. clerk to call another meeting. Commiſſioners to pay their own expences. Proceedings to be entered in a book. Books may be read in evidence. No act valid unleſs done at a publick meeting. Property of pavements, &c. veſted in commiſſioners. Penalty on damaging works. For want of diſtreſs, offender to be committed. Old materials, &c. veſted in commiſſioners. Payments to be made in ten days. Old materials may be made uſe of. Ground may be hired for getting gravel, and carts, &c. purchaſed for carting thereof. Commiſſioners may contract for the paving ſtreets, &c. Penalty on perſons carrying cinders or aſhes away, not being the ſcavenger. Penalty on owners of the cart. Works to be inſpected. Commiſſioners may compound for breach of contract. Paviors, carters, &c. to be appointed. Diſputes about wages, how to be ſettled. Commiſſioners may cauſe the ſtreets, &c. to be new paved, &c. Penalty on altering the form of ſtreets,

ſtreets, &c. erecting bulks, placing ſhew-boards, &c. Perſons digging earth or leaving holes for making vaults, &c. to encloſe the ſame. Inhabitants to give notice to ſurveyors when pavements want any repairs. Penalty on paviors neglecting orders. If ſurveyors think ſuch pavements not defective commiſſioners to view the ſame. Streets, &c. to be watered, wells ſunk, and pumps erected. Projections, &c. to be removed. Signs to be fixed on the fronts, &c. Penalty on a ſecond offence. Buildings projecting may be removed. Where perſons refuſe to treat, &c. the damage and recompence to be ſettled by a jury. Witneſſes to be ſummoned and examined upon oath. Verdict of the jury to be final. Money awarded for premiſes ſettled to like uſes. Sheriff to iſſue his warrant to impanel a jury. Verdict not binding, unleſs ſatisfaction be made within a month. Juries may be challenged. 10l. penalty on ſheriffs making default. In caſe of diſputes money to be paid into the bank. Conſideration-monies, &c. payable out of rates. Names of ſtreets may be fixed up, and houſes numbered. Penalty on defacing the numbers, &c. Annoyances placed in the carriage-ways to be removed, and holes to be remedied. Penalty on not removing caſks, &c. placed in carriage or foot-ways. Penalty if nuiſances are replaced and continued. Licences may be granted for erecting hoards, &c. No lime to be ſifted, &c. in any ſquare, ſtreet, &c. Penalty on driving carriages, &c. on the foot pavements. Stands of hackney coachmen, &c. to be regulated. Regulations to be obſerved on the burſting of pipes. Paviors to give notice of their place of abode. Commiſſioners to cleanſe, alter, and empty drains and ſewers. Owners of pipes to relay them at their own expences. Commiſſioners to pay for cleanſing ſewers, &c. Commiſſioners to have equal authority with commiſſioners of ſewers. Commiſſioners to pay for altering pipes. Pavement altered at the requeſt of proprietors, they are to pay all expences. Commiſſioners may compound with ſaid proprietors. Lamps to be ſet up, &c. Lamp-irons to be affixed againſt walls, &c. Penalty on wilfully damaging lamps, &c. On non-payment, offender to be committed. Perſons accidentally damaging lamps, to make ſatisfaction. Commiſſioners ſhall cauſe watch-houſes to be erected, &c. Footways to be cleanſed once a day. Where materials for footways may be lodged. Penalty on obſtructing ſurveyors. Rates may be laid for the purpoſes of this act. Commencement of the rates. Where any ſtreets, &c. are new paved an additional rate may be laid on inhabitants. Money may be borrowed on the credit of the rates. Application of monies. Securities to be entered in books. All creditors deemed equal in degree. Securities may be transferred. How empty houſes are to be rated, &c. Landlords, &c. of houſes, &c. liable to the rates. Occupiers to pay the rates. Occupiers to be allowed the rates in their rents. Rates on houſes occupied by ambaſſadors, to be paid by the landlord. Publick buildings and dead-walls to be rated. Unfiniſhed houſes, &c. to pay rates; how, and by whom payable. New ſtreets and places unpaved, to be rated. If commiſſioners judge any new-built ſtreet proper to be repaired, they are to require inhabitants to meet and compound for paving. On neglect compoſition may be levied. Owners of vacant ground not to be charged for more than 200 ſquare yards. Rates to be entered in books, which may be inſpected *gratis*. Inhabitants, &c. refuſing to pay rates, how to be recovered. How rates may be recovered from perſons quitting, their houſes, &c. before payment. Rates may be ſued for in the name of the treaſurer. No contract for paving, &c. to be void by this act. Perſons paying rates exempted from paving. Perſons paying rates exempted from the aſſeſſments for repairing the highways. Act 7 Geo. 3. Act 29 Geo. 2. Tottenham-court Road to be paved, &c. Collector to pay money, as received, to the treaſurer. 5l penalty on collectors keeping above 100l. longer than two days. Treaſurer having 500l. to pay it into ſuch bankers as commiſſioners ſhall appoint. Officers to account upon oath, &c. Penalty on officers refuſing to account. Commiſſioners impowered to bring actions againſt officers, &c. or if complaint be made to the juſtices, they are to enquire into the default, and to levy ſuch money, and the penalty by diſtreſs. For want of diſtreſs, offender to be committed. Collectors to account four times a year. On death or bankruptcy of officers, legal repreſen-

presentatives to pay monies remaining in hand to the treasurer; whose receipt shall be a discharge. On nonpayment, actions may be commenced. Treasurer to pay monies drawn upon him, and keep a regular account in a book. Commissioners obtaining a verdict, defendant to pay double costs. Penalties and forfeitures how to be recovered and applied. Informer deemed a competent witness. Commissioners may reward informers. Distress not to be deemed unlawful for want of form. Plaintiff not to recover, if tender of amends hath been made. Persons aggrieved may appeal to the quarter sessions. Writings to be without stamps. No proceedings, &c. to be removed by *certiorari*. Expences of this act how to be paid. Limitation of actions. General issue. Treble costs. Publick act.

CAP. LXX.

An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and seventy-two; and for further appropriating the supplies granted in this session of parliament; and for making forth duplicates of exchequer bills, lottery tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or destroyed.

CAP. LXXI.

An act for repealing several laws therein mentioned against badgers, engrossers, forestallers, and regrators, and for indemnifying persons against prosecutions for offences committed against the said acts.

Preamble. WHEREAS *it hath been found by experience, that the restraints laid by several statutes upon the dealing in corn, meal, flour, cattle, and sundry other sorts of victuals, by preventing a free trade in the said commodities, have a tendency to discourage the growth, and to inhance the price of the same; which statutes, if put in execution, would bring great distress upon the inhabitants of many parts of this kingdom, and in particular upon those of the cities of* London *and* Westminster; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act, made in the third and fourth year of King *Edward* the Sixth, intituled, *An act for the buying and selling of butter and cheese*; and also an act, made in the fifth and sixth year of King *Edward* the Sixth, intituled, *An act against regrators, forestallers, and engrossers*; and also an act made in the third year of *Philip* and *Mary*, intituled, *An act for the keeping of milch kine, and for breeding and rearing of calves*; and also an act, made in the fifth year of Queen *Elizabeth*, intituled, *An act touching badgers of corn, and drovers of cattle, to be licensed*; and also an act, made in the fifteenth year of King *Charles* the Second, intituled, *An act to prevent the selling of live fat cattle by butchers*; and so much of an act, made in the fifth year of Queen *Anne*, intituled, *An act for continuing the laws therein mentioned relating to the poor, and to the buying and selling of cattle in* Smithfield, *and for suppressing of piracy*, as relates to butchers selling cattle alive or dead within the cities of *London* and *Westminster*, or within ten miles thereof; and all the acts made for the better enforcement of the same,

Acts 3, 4, 5, & 6 Edw. 6;

Act 3 Phil. & Mary;

Act 5 Eliz.;

Act 15 Car. 2.;

and act 5 Annæ,

repealed.

being

being detrimental to the ſupply of the labouring and manufacturing poor of this kingdom, ſhall be, and the ſame are hereby declared to be repealed.

II. And be it further enacted by the authority aforeſaid, That all informations, indictments, ſuits, or proſecutions, already commenced, for the inflicting any puniſhment, or for the recovery of any fine, penalty, or forfeiture, under the ſaid former acts, or any of them, ſhall ceaſe and determine; and no further proceedings ſhall be had thereupon: and that no information, indictment, ſuit, or proſecution, ſhall be commenced or proſecuted againſt any perſon or perſons whatſoever, under or by virtue of the ſaid acts, or any of them; but that all ſuch proceedings ſhall be void, and of no effect; any law, ſtatute, or uſage, to the contrary notwithſtanding.

All informations, &c. commenced under the ſaid acts, to determine; but proceedings to be void.

CAP. LXXII.

An act for rendering the payment of the creditors of inſolvent debtors more equal and expeditious, and for regulating the diligence of the law by arreſtment and poinding, and for extending the privilege of bills to promiſſory notes, and for limiting actions upon bills and promiſſory notes, in that part of Great Britain *called* Scotland.

WHEREAS *by the laws now ſubſiſting in that part of* Great Britain *called* Scotland, *the perſonal eſtates of ſuch debtors as become inſolvent are generally carried off by the diligences of arreſtment and poinding, executed by a few creditors, who, from the nearneſs of their reſidence to, and connection with ſuch debtors, get the earlieſt notice of the inſolvency, to the great prejudice of creditors more remote and unconnected, and to the diſappointment of that equality which ought to take place in the diſtribution of the eſtates of inſolvent debtors among their creditors: therefore, to remedy ſuch injuſtice and inequality in time coming, and to render the payment of the creditors of inſolvent debtors more equal and expeditious*, may it pleaſe your moſt excellent Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That when any debtor, in that part of *Great Britain* called *Scotland*, ſhall ſuffer a poinding on a horning, or on the precept of an inferior judge, after the days of the charge are elapſed, to be executed againſt his perſonal eſtate, or any part of it, or ſhall be under diligence by horning and caption, and ſhall be impriſoned, or retire to the *Abbey*, or any other privileged place, or fly or abſcond for his perſonal ſecurity, or defend his perſon by force; or if any debtor out of *Scotland*, or who cannot be impriſoned by reaſon of privilege, ſhall be under diligence by letters of horning duly denounced and regiſtered, and ſhall have his or her perſonal eſtate, or any part thereof, attached by arreſtment; it ſhall be lawful to the creditor or creditors at whoſe inſtance the ſaid diligence proceeds, to apply to the court of ſeſſion

Preamble.

Debtors ſuffering poinding on a horning, or ſhall be impriſoned, or retire to the Abbey, &c.

Court of seſſion to grant warrant for citing them;

ſion by a ſummary petition for a ſequeſtration of the debtor's eſtate, which court is hereby authoriſed and required, upon ſuch application, and production of the grounds of debt and diligence aforeſaid, and the execution of a meſſenger or other officer of the law, employed in executing the ſaid diligence, and upon his, her, or their making oath to the verity of the debt, upon which the diligence has proceeded, or his, her, or their known agent, making oath that he believes the debt for which the diligence has proceeded to be due, to grant warrant for citing the debtor or debtors, if more than one are bound for the debt, and the diligence aforeſaid have been uſed againſt them, by delivering to him, her, or them, a copy of the petition perſonally, or by leaving it at his, her, or their dwelling-places; or if he, ſhe, or they are out of *Scotland*, by affixing copies upon the market croſs of *Edinburgh*, pier and ſhore of *Lieth*, to appear in court within the time ſpecified in the warrant for citation, not being leſs than ſix, nor more than thirty days, from the date of the citation, to ſhew cauſe why ſequeſtration ſhould not be awarded againſt his, her, or their perſonal eſtate; and if the debtor or

and if they ſhall not appear; pay the debt; diſcover their eſtate on oath;

debtors ſhall not appear within the time ſpecified in the citation by themſelves or counſel, or ſhall not either pay the debt upon which the diligence has proceeded, or ſhew other reaſonable cauſe why the court ſhould not proceed to ſequeſtration, the court ſhall forthwith ſequeſtrate his, her, or their perſonal eſtate, and appoint a factor for managing and recovering the ſame; and ſhall likewiſe make an order, requiring him, her, or them, to produce their books and papers, and to make a full and fair diſcovery of his, her, or their whole eſtate, heritable and moveable, wherever ſituated, upon oath, if required by the petitioner or

or grant a diſpoſition for the benefit of their creditors;

petitioners, or other creditors appearing; and to grant a diſpoſition of his whole perſonal eſtate, wherever ſituated, to the factor ſo named, for the benefit of his whole creditors; which diſpoſition ſhall not be reduceable upon any of the former ſtatutes concerning bankrupts: and if the debtor or debtors ſhall refuſe

the court to compel them by impriſonment, &c.

to obey ſuch orders, the court may compel him, her, or them, by impriſonment, until he, ſhe, or they ſhall comply: and if the creditor or creditors, having uſed the diligence aforeſaid, are deſirous to apply for a ſequeſtration of his, her, or their debtor's perſonal eſtate in time of vacance, ſuch creditor or creditors may preſent his, her, or their petition, and produce their

Lord ordinary's powers in time of vacance.

grounds of debt, and diligence, to the lord ordinary officiating on the bills for the time, who thereupon is authoriſed and required to grant warrant for citing the debtor or debtors, and to ſequeſtrate, if proper, and to appoint a factor, and to do every thing neceſſary in execution of this act, during the vacance; that the court is impowered to do, when the petition is preſented to it while the court is ſitting; and when the application for ſequeſtration is made to the court, and any thing ſhall be left undone at the end of any ſeſſion by the want of time, the lord ordinary on the bills is authoriſed and required to do every thing neceſſary in execution of this act, during the vacance, that he is impowered

to

to do when the petition for ſequeſtration is originally preſented to him and the court; or the lord ordinary on the bills, in time of vacance, may grant to debtors not in priſon, cited under the authority of this act, a protection from perſonal diligence for ſuch time as unto the court, or the lord ordinary on the bills, ſhall ſeem expedient, for the execution of the act: and if the debtors cited to appear are in priſon, the court, or the lord ordinary on the bills in time of vacance, at the deſire of the petitioner or petitioners, may grant warrant for bringing the perſons of ſuch debtors into court, or before the lord ordinary on the bills, in time of vacance, in the cuſtody of a macer of court, meſſenger, or other perſon authoriſed for that purpoſe; and if that is not required, may grant warrant for the liberation of ſuch debtors; and may, in either caſe, when ſuch debtors appear in court, or before the lord ordinary on the bills in time of vacance, grant to them a perſonal protection, or not, as their behaviour in doing juſtice to their creditors ſhall ſeem to merit.

Factor preſented by majority of creditors to be preferred;

II. Provided always, and be it enacted by the authority aforeſaid, That, in the nomination of a factor, the court, or the lord ordinary on the bills at the time of the ſequeſtration, ſhall prefer the perſon preſented by the majority of the creditors concurring in the application for ſequeſtration, or producing their grounds of debt in the hands of the clerk to the ſequeſtration; and who immediately thereafter ſhall cauſe an advertiſement to be inſerted in the *London Gazette*, and in the publick paper to be appointed as is herein-after mentioned, intimating the ſequeſtration, and requiring the whole creditors of the debtor or debtors to meet at the time and place appointed by the court, or the lord ordinary on the bills, not ſooner than thirty days after the ſequeſtration, in order to their continuing the ſame factor, or chuſing another, upon the ſequeſtrated eſtate; and the perſon choſen by a majority in value of the creditors preſent at ſuch meeting, by themſelves, or by their attornies or agents authoriſed to act for them, and who ſhall then have produced their claims and vouchers, or grounds of debt, and proved their debts in manner after directed, ſhall be, by the court, appointed factor upon the ſequeſtrated eſtate; and thereupon the powers of the factor, named at the time of the ſequeſtration, if the perſon made choice of is different from him, ſhall ceaſe and determine, and he ſhall be obliged to convey to the new factor the whole of the perſonal eſtate which the bankrupt diſponed to him, and that ſhall then not be recovered and converted into money; and ſhall deliver to the new factor every part of the bankrupt's eſtate in his poſſeſſion, and all ſecurities taken for the ſame, or any part thereof, and pay ſuch balance as may appear to be due by him when his accounts are ſettled.

who ſhall give publick intimation of a ſequeſtration, and require the creditors to meet.

Court of ſeſſion, or lord ordinary, to make *interim* orders.

III. Provided alſo, and be it enacted by the authority aforeſaid, That if circumſtances lead to ſuſpect that the debtor or debtors may embezzle, ſecrete, or dilapidate his, her, or their effects, between the time of preſenting the petition for ſequeſtration and the ſequeſtrating and appointing a factor, the court,

in

in time of ſeſſion, or the lord ordinary officiating on the bills in time of vacance, may, at the ſuit of any creditor who petitions for the ſequeſtration, and upon his, her, or their making oath, or upon the oath of his, her, or their known agent or attorney, that he, ſhe, or they, have reaſon to ſuſpect that the debtor or debtors may embezzle, ſecrete, or dilapidate his, her, or their effects, make ſuch *interim* orders as ſhall be judged moſt expedient for preventing the eſtate of the debtor or debtors from being embezzled, ſecreted, or dilapidated.

Factors powers,

IV. And be it enacted by the authority aforeſaid, That the factors appointed upon ſequeſtrated eſtates, in manner before directed, ſhall be inveſted with all the powers competent by the law of *Scotland* to ſuch factors as are in uſe to be appointed by the court for the management of ſequeſtrated eſtates, or of the eſtates of perſons abſent or incapable of management; and ſhall likewiſe be ſubject to all the duties incumbent on ſuch factors, and alſo to ſuch other rules and orders as the court ſhall make, from time to time, for the more effectual and expeditious recovery, or converting into money, the eſtates of ſuch inſolvent debtors.

ſubject to the orders of the court.

Advertiſement to be publiſhed by the factor for creditors giving in their vouchers.

V. And be it further enacted by the authority aforeſaid, That the factor appointed or continued after the meeting called in manner before directed, ſhall immediately publiſh an advertiſement as is herein-after mentioned, requiring all the creditors to give in their claims and vouchers, or grounds of debt, to the clerk of the ſequeſtration, in order that a ſtate of the debts may be prepared by the factor; and certifying, that ſuch creditors as ſhall not produce their claims, with the vouchers thereof, and make oath before the lord ordinary officiating on the bills for the time, or before a commiſſioner to be named by him, or before the judge ordinary where they reſide, if notice is given to the factor of the oath being to be made in that manner, and of the time when, and place where, it is to be made, upon the verity of their debts, within nine calendar months after the date of the ſequeſtration, ſhall not be intitled to any ſhare in the firſt diſtribution of the debtor's eſtate among the creditors.

Oath of verity of creditors abroad, and the oath of credulity of minor's factors, to be ſufficient.

VI. Provided always, and be it enacted and declared by the authority aforeſaid, That if any creditor ſhall happen to be out of the kingdom of *Great Britain* and *Ireland*, his oath of verity, taken before any magiſtrate where he is reſident at the time, or an oath of credulity by his factor or attorney in *Scotland*, ſhall be ſufficient; and alſo that if any creditor is under age, the oath of credulity of any of his factors or curators, or of the factor employed in the management of the minor's affairs, taken in the manner before directed, ſhall be ſufficient.

Accounts being produced, the court to allow 20 days to the creditors to peruſe the ſame;

VII. And be it enacted by the authority aforeſaid, That the factor, within ten days after the lapſe of nine calendar months from the date of the ſequeſtration, ſhall lodge, with the clerk to the ſequeſtration, a ſtate of the debtor's funds then come to his knowledge, diſtinguiſhing what part of them have been converted into money, and what part of them are not converted; and alſo

alſo a ſtate of the debts which have been proved within the nine months, in manner before directed; and likewiſe publiſh an advertiſement, as is herein-after mentioned, notifying to the creditors that he has produced a ſtate of his accounts to the court; and upon the ſtate of the accounts being ſo produced, the court ſhall allow twenty days to the creditors to peruſe the ſame, and to make objections to them, if they any have; and immediately thereafter the court ſhall order an equal and rateable diſtribution of the eſtate recovered by the factor, and converted into money, to be made amongſt the creditors only who have proved their debts, and produced their vouchers or grounds of debt in manner before mentioned, and whoſe debts are not objected againſt; and in caſe any of the debts claimed upon ſhall be objected to, in whole or in part, or ſhall not be liquidated at the time of the diſtribution, the ſhare correſponding to ſuch debts ſhall be forthwith lodged by the factor in the bank of *Scotland*, or *Royal Bank*, at ſuch reaſonable intereſt as can be got, not more than one *per centum* under the legal intereſt: and in caſe of the ſaid banks refuſing to give ſuch reaſonable intereſt for the money, the factor ſhall lodge the ſame with any banking company, named by the court, who are willing to give ſuch reaſonable intereſt, and to give ſuch ſecurity for the money lodged as ſhall appear ſatisfactory to the court; and the money ſo lodged ſhall remain until the objections are determined, and be ſubject to the after diſpoſal of the court, in making an equal and rateable diſtribution of the debtor's eſtate.

and order a rateable diſtribution of money recovered.

VIII. Provided always, and be it further enacted by the authority aforeſaid, That if nine months after the ſequeſtration ſhall expire during the time of vacance, the factor in that caſe ſhall produce the ſtate of his accounts to the lord ordinary officiating on the bills for the time, and ſhall notify the ſame to the creditors, by advertiſement, in manner herein-after mentioned; and thereupon the lord ordinary ſhall appoint the ſtate of accounts to be ſeen and objected to by the creditors againſt the firſt ſederunt day of the next ſeſſion, when, or as ſoon after as may be, the court ſhall order an equal and rateable diſtribution to be made in the manner before directed.

If the nine months after ſequeſtration expire during vacance, accounts to be produced to the lord ordinary.

IX. And be it further enacted, That, within ten days of eighteen calendar months, from the date of the ſequeſtration, when it is to be expected the factor will have all the perſonal eſtate under his management converted into money, except ſuch claims of the debtor as may be ſuſpended by litigation, the factor ſhall make up a ſecond ſtate of accounts, preſent them to the court, or to the lord ordinary officiating on the bills for the time, and advertiſe the creditors in manner herein-after mentioned; and the court ſhall proceed therein, and order a ſecond diſtribution among the creditors, in manner before directed.

When the factor ſhall make up a ſecond ſtate of accounts.

X. Provided always, and be it further enacted, That ſuch part of the debtor's perſonal eſtate as has not after the lapſe of eighteen months from the ſequeſtration been converted into money, by reaſon of litigation, or ſome other impediment, ſhall be,

Debtor's eſtate not converted into money, ſhall, after recovery, be diſtributed.

be, after the recovery thereof, diſtributed among the creditors, at ſuch time as the court ſhall direct; the factor being always bound to give in his accounts, within the firſt ten ſederunt days of each ſeſſion, of the monies recovered by him ſince the laſt accounting, until all the funds are divided.

Creditors who have not produced their grounds of debt, intitled only to a rateable proportion.

XI. And be it further enacted, That ſuch creditors only who ſhall have produced their vouchers or grounds of debt, and proved the verity thereof, before the day fixed for each diſtribution as before mentioned, ſhall be intitled to a ſhare in ſuch diſtribution; and ſuch creditors as ſhall not have produced and proved the verity of their grounds of debt, ſhall only be intitled to a rateable proportion correſpondent to the balances then due to the other creditors, in any diſtribution to be made after their grounds of debt are produced, and the verity proved as aforeſaid.

Penalty if the factor fails in doing his duty is not leſs than 5l. and not exceeding 30l.

XII. And be it further enacted by the authority aforeſaid, That the factor, before receiving his warrant or commiſſion from the court, ſhall be bound to give ſecurity, to the ſatisfaction of the court, for his doing exact diligence in performing his duty as a factor; and if he ſhall fail in doing his duty in any of the articles before mentioned, he ſhall be liable in a penalty not under five pounds, and not exceeding thirty pounds of lawful money of *Great Britain*, to be applied in payment of the creditors; and further, if he ſhall be guilty of embezzling or concealing any part of the debtor's eſtate, he ſhall be liable in treble the value of what he ſo embezzles or conceals, and which ſhall alſo be applied in payment of the creditors; and the factor ſhall not keep in his hands, at any time, more than one hundred pounds ſterling of the debtor's money; and what money ſhall come into his hands above that ſum, he ſhall forthwith lodge in the bank of *Scotland*, or *Royal Bank*, or with a banking company, in the manner before directed, upon ſuch reaſonable intereſt as can be got for the money, not more than one *per centum* under the legal intereſt, otherwiſe he ſhall be liable for the legal intereſt thereof, and the factor ſhall have ſuch allowance for his trouble as the court ſhall judge proper, at every diſtribution, not exceeding in whole five *per centum* of the ſums recovered; and the court may remove the factor, upon cauſe ſhewn; and, upon ſuch removal or factor's death, appoint another in his place, in manner aforeſaid.

Creditors ſhares not called for to be lodged in the bank.

XIII. And be it further enacted by the authority aforeſaid, That ſuch creditors who claim upon debts, whereof the term of payment is not come at the time of the diſtribution, may nevertheleſs, upon diſcounting the legal intereſt to the term of payment, draw their ſhares in proportion to what remains after ſuch diſcount; and the ſhares of creditors, not called for at the time of the diſtribution, ſhall be lodged by the factor in one of the banks, or with a banking company in manner before directed, at ſuch intereſt as can be got for the ſame, not more than one *per centum* under the legal intereſt; and the names of the perſons to whom ſuch ſhares are due ſhall, immediately after ſuch diſtri-

distribution, be published by advertisment as the court shall direct, the expence whereof shall be paid by the bank, or banking company, with whom the money shall be lodged, and shall be retained by such bank, or banking company, out of the money due when payment comes to be made.

In case of doubts, the debts intitled to preference to be lodged in the bank.

XIV. And be it further enacted and declared by the authority aforesaid, That, in the making up casts or schemes for distributing the debtor's effects, all debts claimed upon, which are intitled to a preference by the law of *Scotland*, not altered by this act, shall be preferred accordingly; and if any doubt arises about the preference, and if the dispute is likely to occasion any considerable delay, a share equal to the debt claimed in preference shall be lodged in one of the banks, or with a banking company, at such interest as can be got, not more than one *per centum* under the legal interest, in manner before directed, subject to the after disposal of the court.

Factor may submit to arbitration.

XV. And be it further enacted, That the factor authorised by three-fourths of the creditors in value, present at a meeting, to be called for that purpose by advertisement in the manner herein after mentioned, may submit to arbritration, or compound, or sell by auction, any claims competent to the debtor.

No creditor to have a vote, whose debt does not exceed 10 l.

XVI. And be it further enacted, That the time and place of all the meetings to be held in virtue of this act shall be advertised in the manner herein-after mentioned; and at such meeting the creditors may either appear by themselves, or by any person authorised to act for them; and pupils and minors may appear by their tutors and curators, or by any of them, or by a person properly authorised to act for such pupils and minors; and no creditor shall have a vote at such meetings whose debt does not exceed ten pounds of lawful money of *Great Britain*; and the minutes of such meetings, subscribed by the preses of the meeting, elected by a majority of the creditors present, or others intitled to act for them, shall bear faith.

Arrester obliged to deliver the effects arrested.

XVII. And be it further enacted by the authority aforesaid, That no arrestment of a debtor's personal estate, or any part of it, used at any time within thirty days before an application for a sequestration of such personal estate, under the authority of this act, shall give any preference to the arresting creditor, in the event of a sequestration taking place; and the arrestee shall be obliged to deliver the effects arrested, or pay what he owes to the insolvent debtor to the factor appointed, as if no such arrestment had been used; and if the arrestee has delivered the effects, or paid the money arrested to the arrester, by virtue of a decreet of forth-coming, or any other authority whatever, the arrester shall be obliged to pay or deliver the same to the factor appointed by the court.

Poinder obliged to deliver to the factor the goods poinded.

XVIII. And be it further enacted by the authority aforesaid, That no poinding of a debtor's effects, not completely executed thirty days before an application for a sequestration of the debtor's personal estate, under the authority of this act, shall give any right or preference to the poinder, in the event of a sequestra-

tion taking place; but the poinder ſhall be obliged to deliver to the factor the goods poinded, if not ſold or diſpoſed of, when he is required ſo to do; and if they are then ſold or diſpoſed of, he ſhall be liable to account to the factor for the apprized value of the goods poinded, and which ſhall make part of the fund to be diſtributed among the creditors.

Factor intitled to recover goods and effects ſold, and payment of claim of debt, conveyed unjuſtly.

XIX. And be it enacted by the authority aforeſaid, That all payments made by a debtor to his creditors, after an application for a ſequeſtration of his perſonal eſtate, under the authority of this act, ſhall be void and ineffectual to the receivers, in the event of a ſequeſtration taking place; and the factor ſhall be intitled to recover the monies ſo paid as part of the bankrupt's eſtate; and the monies ſo recovered ſhall make a part of the fund to be diſtributed among the creditors: and that no bargain of ſale of, or agreement about, any goods or effects, or conveyance of any ground or claim of debt, by aſſignment, indorſement, or otherways, made by a debtor after an application for a ſequeſtration of his perſonal eſtate, under the authority of this act, for any cauſe or conſideration whatever, other than a fair and adequate price paid, or to be paid in money, ſhall be effectual, in the event of a ſequeſtration taking place; and the factor ſhall be intitled to recover ſuch goods and effects, ſo ſold or agreed for, and to recover payment of ſuch grounds or claims of debt ſo conveyed, by aſſignment, indorſement, or otherways, for any cauſe or conſideration, other than a fair adequate price paid, or to be paid, as if ſuch ſale, agreement, or conveyance had never been made; and the effects or debts ſo recovered ſhall make a part of the fund to be diſtributed among the creditors.

Perſons deprived of the benefit of any bargain of ſale, to receive expences incurred.

XX. Provided always, and be it enacted and declared, That all arreſters and poinders, who ſhall be deprived of the benefit of their reſpective diligences in manner aforeſaid, ſhall be intitled to demand, and to receive the expence laid out by them in proſecuting ſuch diligences: and that all perſons who ſhall be deprived, in manner aforeſaid, of the benefit of any bargain of ſale, or agreement about any goods or effects, or of any conveyance of claims or grounds of debt, ſhall likewiſe be intitled to demand, and to receive, all the expence they may have, *bona fide*, incurred by the ſale, bargain, or conveyance, being rendered ineffectual.

Court, upon application, and production of grounds of debt,

XXI. And be it enacted by the authority aforeſaid, That when any debtor ſuffers the diligence to be executed againſt him, which intitles the creditor who uſes ſuch diligence to petition the court of ſeſſion for a ſequeſtration, it ſhall be competent to any other of the creditors of the debtor to apply for ſequeſtration of the debtor's perſonal eſtate; and the court is hereby authoriſed and required, upon ſuch application, and upon production of the grounds of debt of ſuch petitioner or petitioners, and ſatisfying evidence of the diligence having been uſed, which is preſcribed by this act, before a ſequeſtration can be applied for; and upon an oath being made to the verity of the debt, in manner as directed, when an application is made by the creditor

tor who has uſed diligence, to grant warrant for citing the debtor, in the ſame manner as if the ſequeſtration had been applied for by the creditor who uſed the ſaid diligence, and to proceed in the ſame way and manner, as if the application had been made by the creditor who uſed the diligence: provided always, that no ſuch application ſhall be competent, unleſs it is made within the ſpace of thirty days from the time the diligence was executed, which intitled the uſer thereof to apply for a ſequeſtration.

to grant warrant for citing the debtor.

XXII. And be it enacted by the authority aforeſaid, That all debtors who know themſelves to be failing in their credit and circumſtances, may apply to the court of ſeſſion in time of ſeſſion, or to the lord ordinary officiating on the bills, in time of vacance, ſetting forth their caſe, and offering to make a fair ſurrender of their perſonal eſtate: and upon ſuch application the court, or the lord ordinary on the bills, in time of vacance, ſhall forthwith proceed to ſequeſtration, appointing a factor, and to do all other things required by this act to be done, when ſequeſtrations proceed upon the petition of creditors, in manner before directed.

On application of debtors, the court ſhall proceed to ſequeſtration.

XXIII. And be it further enacted and declared, That if any debtor ſhall not, after the ſequeſtration, make a fair and full ſurrender of all his or her perſonal eſtate, and of all his or her books, and other writings and documents whatſoever, neceſſary for diſcovering and recovering his or her perſonal eſtate, or ſhall not comply with what is required of him or her by this act, or ſhall behave in any reſpect fraudulently, with regard to his or her creditors, he or ſhe ſhall be puniſhed by the court as a fraudulent bankrupt, and be excluded from the benefit of the action of *Ceſſio Bonorum*.

Debtors not complying with what is hereby required, to be puniſhed as fraudulent bankrupts.

XXIV. Provided always, That nothing in this act contained ſhall prevent or affect any diligence, or other proceedings, againſt the real or heritable eſtates of debtors; but it ſhall be competent to every creditor to follow forth the ſame in due courſe of law.

Nothing contained to prevent diligence againſt debtors.

XXV. Provided alſo, and be it enacted, That the ſurplus of every debtor's perſonal eſtate that may remain after payment of his or her debts, and of the expence incurred in carrying this act into execution, ſhall be paid over to the debtor, or to his or her aſſigns or executors.

Surplus, after payment of debts, to be paid to the debtor.

XXVI. And it is further enacted and declared, That if any debtor ſhall die during the ſubſiſtence of the ſequeſtration of his perſonal eſtate, the proceedings under this act, notwithſtanding thereof, ſhall be carried on, and followed out, to their concluſion; and the factor ſhall be intitled to ſue for, and to recover the debtor's eſtate, in the ſame manner he would have been intitled to do, if the debtor had continued in life.

If the debtor ſhall die during ſubſiſtence of ſequeſtration, proceedings to be carried on.

XXVII. And be it enacted by the authority aforeſaid, That no fee ſhall be paid by any creditor to the clerks of court, or any perſon whatever, for an oath of verity or credulity as to the debt claimed being due, or for production of the intereſt or grounds of debt of any creditor, unleſs the debt claimed exceeds the ſum of ten pounds lawful money of *Great Britain*.

No fee to be paid for an oath of verity, &c. if the debt does not exceed 10l.

If appeal shall be taken against an interlocutor, &c. the court to make necessary orders.

XXVIII. And it is also enacted by the authority aforesaid, That if any appeal shall be taken against any order or interlocutor of the court of session, or against any act or order of the lord ordinary upon the bills in times of vacance, it shall be lawful and competent to the said court, in time of session, and lord ordinary on the bills, in time of vacance, notwithstanding such appeal, to make such orders, and direct such proceedings, as shall appear to be expedient for preventing the estate of the debtor from being embezzled, secreted, or dilapidated, while the appeal is pendant,

Creditors who have used horning, &c. prevented by the court of session from imprisoning their debtors, shall, in all actions, be deemed equal to imprisonment.

XXIX. And be it enacted by the authority aforesaid, That if any creditor who has used the diligence of horning and caption against his or her debtor, shall be prevented from imprisoning his or her debtor, by the debtor's having obtained a personal protection from the court of session, or the lord ordinary on the bills, in pursuance of this act; the messenger employed to apprehend the debtor, returning, in his execution, that he has been prevented from imprisoning the debtor, by the debtor's having obtained such personal protection, shall, in all actions and questions that may arise upon the construction and effect of the act of the parliament of *Scotland*, passed in one thousand six hundred and ninety-six, intituled, *An act for declaring nottour bankrupts*, be held and deemed equal to imprisonment.

Majority of creditors may chuse a trustee, in place of a factor.

XXX. And be it further enacted and declared by the authority aforesaid, That if two-thirds in value of the creditors present, by themselves, or others impowered to act for them, at the meeting advertised for chusing a second factor, and having proved their debts in manner before directed, shall judge it to be more for the interest of the creditors to manage the bankrupt's personal estate by the assistance of trustees, than to continue it under the management of a factor appointed by the court of session, it shall be lawful for them to chuse a trustee or trustees, for that purpose, at that meeting; or for two-thirds of the creditors in value, at any subsequent meeting called for that purpose by advertisment, in manner herein after mentioned, published thirty days at least prior to the day of meeting, to chuse such trustee or trustees, and upon the minutes of the creditors making choice of such trustee or trustees being produced to the court, with an acceptance on the part of the trustee or trustees named, the court shall, and they are hereby required to make an act or order, declaring the personal estate of the bankrupt within *Scotland* to be vested in the trustee or trustees elected for the benefit of the whole creditors, and directing the factor to convey to the trustee or trustees all the personal estate of the bankrupt out of *Scotland*, which has been conveyed to him by the bankrupt, so far as had not been recovered; and to deliver to the said trustee or trustees, or to any factor to be appointed by them, in manner hereafter directed, every part of the bankrupt's personal estate, and all writings concerning the same, and to pay the balance that shall appear to be due upon his accounts, he receiving such sum for the trouble he has been at as

the court ſhall direct, and from thenceforth the ſequeſtration ſhall ceaſe, and the management of the bankrupt's perſonal eſtate ſhall be committed to the truſtee or truſtees.

Truſtees may chuſe a factor.

XXXI. And be it further enacted by the authority aforeſaid, That the ſaid truſtee or truſtees may either act in the management of the bankrupt's eſtate, or may appoint a factor, for whom they ſhall be anſwerable, to act for them, and may give ſuch a reaſonable reward to ſuch factor for his trouble, not exceeding five pounds ſterling *per centum*, of the money recovered by him, or ſuch other allowance as may be ſpecified in the minutes of the creditors wherein the truſtee or truſtees are elected.

Majority of creditors may remove truſtees, and appoint others.

XXXII. And be it likewiſe enacted by the authority aforeſaid, That two-thirds of the creditors in value may, at any meeting, remove the truſtee or truſtees, and appoint another or others in their place; and the former truſtee or truſtees, after receiving a copy of the minutes appointing the new truſtee or truſtees, and of the acceptance of the new truſtee or truſtees, ſubſcribed by the preſes of the meeting, ſhall be bound to account to the new truſtee or truſtees for their or his management, and to deliver to ſuch new truſtee or truſtees, or to the factor to be appointed by them, or for whom they ſhall be anſwerable, all effects which belonged to the bankrupt in their cuſtody, and all papers concerning the ſame, with a conveyance to the new truſtee or truſtees of ſuch parts of the bankrupt's eſtate as have not been recovered; and upon the death of any truſtee or truſtees, two-thirds of the creditors in value, may at any meeting, appoint another or others in his or their place.

Meeting for ſuch removal to be called by advertiſement.

XXXIII. Providing always, That the meeting where ſuch removal and appointment of truſtees are made ſhall be called by one or more creditors, by advertiſement as is herein after mentioned; which advertiſement ſhall be repeated twice at the leaſt, forty days before the day of meeting, and contain an intimation of the purpoſe for which the meeting is called.

Truſtees to perform the conditions ſpecified in the minutes.

XXXIV. And be it further enacted by the authority aforeſaid, That the minutes of the meeting of creditors, appointing truſtees, ſubſcribed by the preſes of the meeting, and of the acceptance of the truſtees ſubſcribed by themſelves, ſhall be evidence in all courts of juſtice; and the ſaid truſtee or truſtees ſhall be liable to perform all the conditions ſpecified in the minutes, in which they are elected and appointed, and ſhall be bound to account to the creditors for the legal intereſt of all money recovered from the bankrupts, that ſhall appear to be in their hands, or in the hands of their factor, at any time, exceeding the ſum of one hundred pounds lawful money of *Great Britain*, except in ſo far as this rule may be relaxed by the creditors in their minutes, in which the truſtee or truſtees are elected and appointed.

Court to appoint one of the Edinburgh papers for all ſuch advertiſements.

XXXV. And be it further enacted, That, for the purpoſe of carrying this act more effectually into execution, the court of ſeſſion ſhall be, and hereby is, authoriſed and required, to appoint,

point, from time to time, one publick paper, printed at *Edinburgh*, wherein may and ſhall be inſerted all ſuch advertiſements as are herein before directed to be publiſhed.

After May 15, 1772, promiſſory notes to bear intereſt as bills.

XXXVI. *And whereas it would be advantageous to trade in that part of* Great Britain *called* Scotland, *that promiſſory notes were allowed the like ſummary execution and other privileges with bills*; be it therefore enacted by the authority aforeſaid, That from and after the fifteenth day of *May*, one thouſand ſeven hundred and ſeventy-two, the ſame diligence and execution ſhall be competent, and ſhall proceed upon promiſſory notes, whether holograph or not, as is provided to paſs upon bills of exchange, and inland bills, by the law of *Scotland*, and that promiſſory notes ſhall bear intereſt as bills, and ſhall paſs by indorſation; and that indorſees of promiſſory notes ſhall have the ſame privileges as indorſees of bills in all points.

No bills of exchange, or promiſſory notes, executed after May 15. 1772, to be effectual to produce diligence, unleſs ſuch diligence ſhall be uſed before the expiration of ſix years.

XXXVII. *And whereas the not limiting bills and promiſſory notes to a moderate endurance in that part of* Great Britain *called* Scotland *has been found by experience to be attended with great inconveniencies*; for remedy whereof, be it enacted by the authority aforeſaid, That no bill of exchange, or inland bill, or promiſſory note, executed after the fifteenth day of *May*, one thouſand ſeven hundred and ſeventy-two, ſhall be of force, or effectual to produce any diligence or action in that part of *Great Britain* called *Scotland*, unleſs ſuch diligence ſhall be raiſed and executed, or action commenced thereon, within the ſpace of ſix years from and after the terms at which the ſums in the ſaid bills or notes became exigeble.

Bills of exchange, &c. granted before May 15, 1772, to be ſubject to the above limitation.

XXXVIII. And be it further enacted, That no bill of exchange, or inland bill, or pomiſſory note, which has been or ſhall be granted before the ſaid fifteenth day of *May*, one thouſand ſeven hundred and ſeventy-two, ſhall be of force, or effectual to produce any diligence or action, unleſs ſuch diligence has been or ſhall be raiſed, or action has or ſhall be commenced thereon before the expiration of ſix years, from and after the ſaid fifteenth day of *May*, one thouſand ſeven hundred and ſeventy-two.

Bank bills not comprehended under the above limitation.

XXXIX. Providing always, That no notes, commonly called *Bank Notes* or *Poſt Bills*, iſſued or to be iſſued by any bank or banking company, and which contain an obligation of payment to the bearer, and are circulated as money, ſhall be comprehended under the aforeſaid limitation or preſcription; and that it ſhall and may be lawful and competent, at any time after the expiration of the ſaid ſix years, in either of the caſes before mentioned, to prove the debts contained in the ſaid bills, and promiſſory notes, and that the ſame are reſting and owing by the oaths or writs of the debtor.

Years of minority not to be computed.

XL. And it is hereby enacted and declared, That the years of the minority of the creditors, in ſuch notes or bills, ſhall not be computed in the ſaid ſix years.

Promiſſory notes and inland bills to

XLI. And it is further enacted and declared, That all inland bills and promiſſory notes ſhall be proteſted in like manner as foreign

foreign bills before the expiration of the three days of grace, otherwiſe there ſhall be no recourſe againſt the drawers or indorſers of ſuch inland bills, or againſt the indorſers of ſuch promiſſory notes; and it ſhall be ſufficient to preſerve the ſaid recourſe, if notice is given of the diſhonour within fourteen days after the proteſt is taken, without prejudice to the notification of the diſhonour of foreign bills, to be made within ſuch time as is required by the uſage and cuſtom of merchants. be proteſted as foreign bills.

XLII. And be it further enacted by the authority aforeſaid, That from and after the ſaid fifteenth day of *May*, one thouſand ſeven hundred and ſeventy-two, ſummary execution, by horning, or other diligence, ſhall paſs upon bills, whether foreign or inland, and whether accepted or proteſted for non-acceptance, and upon all promiſſory notes duly negociated, not only againſt the accepters of ſuch bills, or grantors of ſuch notes, but alſo againſt the drawers of ſuch bills, and the whole indorſers of the ſaid bills and notes jointly and ſeverally, excepting where the indorſation is qualified to be without recourſe, ſaving and reſerving to the drawers or indorſers their reſpective claims of recourſe againſt each other, and all defences againſt the ſame, according to law. After May 15, 1772, ſummary execution by horning, ſhall paſs upon bills, &c.

XLIII. And be it alſo enacted by the authority aforeſaid, That from and after the ſaid fifteenth day of *May*, one thouſand ſeven hundred and ſeventy-two, ſummary execution, by horning, or other diligence, ſhall be competent to the indorſee of a bill, although the proteſt is not in the name of the indorſee craving the diligence; and although the bill is not re-conveyed to him by indorſation, if he produces a receipt for the value by act of honour, or a miſſive letter from the proteſting indorſee, mentioning the diſhonour agreeable to the practice of merchants in returned bills. After May 15, 1772, ſummary execution by horning, ſhall becompetent to the indorſee.

XLIII. And be it further enacted by the authority aforeſaid, That the preſent act ſhall continue, and be in force for ſeven years, from the ſaid fifteenth day of *May*, one thouſand ſeven hundred and ſeventy-two, and to the end of the then next ſeſſion of parliament, and no longer. The act to continue for 7 years.

CAP. LXXIII.

An act for the better regulation of buildings and party walls within the cities of London *and* Weſtminſter, *and the liberties thereof, and other the pariſhes, precincts, and places in the weekly bills of mortality, the pariſhes of* Saint Mary-le-bon *and* Paddington, Saint Pancras, *and* Saint Luke *at* Chelſea, *in the county of* Middleſex; *and for the better preventing of miſchiefs by fire within the ſaid cities, liberties, pariſhes, precincts, and places, and for amending and reducing the laws relating thereto into one act; and for other purpoſes.*

WHEREAS *the ſeveral acts of parliament now in force for regulating buildings and party walls, and for preventing miſchiefs* Preamble.

chiefs happening by fire, for providing fire-engines, and obtaining a ſufficient ſupply of water at fires, and for paying rewards to perſons aſſiſting at fires within the cities of London *and* Weſtminſter, *and the liberties thereof, and other the pariſhes, precincts, and places within the weekly bills of mortality, the ſeveral pariſhes of* Saint Mary-le-bon and Paddington, Saint Pancras, *and* Saint Luke *at* Chelſea, *in the county of* Middleſex, *and the proviſions, regulations, and reſtrictions, made and ſpecified in and by the ſaid ſeveral acts, have, in many reſpects, been found inſufficient to anſwer the good purpoſes intended thereby: and whereas it will tend to the ſafety of the inhabitants, and prevent great inconveniences to builders and workmen employed in buildings within the ſaid cities and liberties, pariſhes, precincts, and places, if ſome of the ſaid acts were repealed, and the good and wholeſome laws and proviſions therein contained were re-enacted and reduced into one act, with certain further regulations, amendments, and proviſions reſpecting ſuch buildings, and for the preventing miſchiefs by fire as aforeſaid*; may it pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, in all buildings to be built within the ſaid cities, liberties, pariſhes, precincts, and places, and every of them, the rules, directions, and reſtrictions hereinafter preſcribed ſhall be duly obſerved by all perſons therein concerned; and that no houſe or other building ſhall be erected within the limits aforeſaid, but ſuch as ſhall be purſuant to ſuch rules and orders of buildings as are herein-after particularly appointed, any law, ſtatute, or uſage to the contrary notwithſtanding; (that is to ſay,) that all fronts and rear walls of every houſe or tenement, for habitation, to be built as aforeſaid, within the limits aforeſaid, ſhall be built of brick or ſtone, or of brick and ſtone together, (except ſound ſquare bond timbers, door caſes, and window frames, ſhutters, ſtory poſts, and breaſt-ſummer fronts to the ground floor ſtory, and cornices to the breaſt-ſummer fronts;) and that all the front walls of every ſuch houſe or tenement for habitation ſhall be carried up to the full height of eighteen inches above the gutter, and coped with ſtone, tile, or brick, and not otherwiſe; and that from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, every houſe or tenement for habitation, which ſhall be ſo erected and built, ſhall have party walls between houſe and houſe, or other buildings, wholly of brick or ſtone, or of brick and ſtone together, (all neceſſary ſound ſquare bond timbers only excepted;) and that ſuch party walls between houſe and houſe ſhall be built, one half thereof on the ſoil or ſcite of each of the ſaid houſes; and that every party wall, or flank, or ſide wall of every ſuch houſe or building, the expence of building and finiſhing of which houſe ſhall exceed the ſum of one hundred and twenty pounds, ſhall be of the thickneſs of two

Rules to be obſerved in the erection of all future buildings.

two bricks and one half in length, or one foot and nine inches at the leaſt in the cellar or loweſt ſtory, and of two bricks in length, or one foot five inches, and one half of an inch, from thence upwards to the garret floor, and from the garret floor upwards one brick and an half in length, or thirteen inches; and ſhall be carried up of ſuch laſt-mentioned thickneſs to the full height of eighteen inches above the roof of gutters adjoining thereto; and to every houſe or tenement for habitation, the expence of building and finiſhing of which houſe ſhall not exceed the ſum of one hundred and twenty pounds, every party wall, and every flank or ſide wall, ſhall be of the thickneſs of one brick and an half in length, or thirteen inches in the cellar, or loweſt ſtory, and from thence upwards, ſhall be carried up of the thickneſs of one brick in length, or nine inches, to the full height of eighteen inches above the roof or gutters adjoining thereto; and that all and every the bricks which ſhall be uſed in every ſuch party walls ſhall be good, ſound, hard, and well-burnt bricks, and none other; and that no timbers (except the girders, binding, and trimming joiſts, and the templets under the ſame, and all ſuch neceſſary bond timbers as aforeſaid) ſhall be laid into any ſuch party wall, or flank, or ſide wall as aforeſaid; and that no timbers of the roof ſhall be laid into any ſuch party wall, or flank, or ſide wall, (except the purloins or kirbs thereof, and gutter plates,) and that no girder, binding, or trimming joiſts, ſhall lie more than nine inches within ſuch party wall, flank, or ſide wall, and that no girder, binding, or trimming joiſts, in houſes or buildings adjoining to each other, ſhall meet or be laid oppoſite to each other, and that the ſides thereof ſhall be at leaſt nine inches diſtant from each other; and that there ſhall be five inches at the leaſt of ſolid brickwork left at or between the ends of all lentils, wall plates, and bond timbers, to be hereafter uſed in any ſuch buildings as aforeſaid.

No bow windows to be made.

II. Provided always, and be it further enacted by the authority aforeſaid, That no bow window or other projection ſhall be built, made, ſet up, or affixed in, to, againſt, or before any houſe or other building, ſituate in any publick ſtreet, lane, or place, fronting to any ſuch ſtreet, lane, or place, (except for the convenience of a ſhop or ſhops only;) and where any ſuch window, or other projection, ſhall be ſo made, ſet up, or fixed, for the convenience of a ſhop or ſhops, the ſame ſhall not project or extend forwards more than five inches from the upright of the houſe or building to the front of the ſtall-board, in any ſtreet, lane, or place, which ſhall not be thirty-two feet-wide, nor more than ten inches from ſuch upright to the front of the ſtall-board, in any ſtreet, lane, or place, being more than thirty-two feet wide; and that no ſuch projection, in any caſe ſhall be carried higher than the ground ſtory, or ſtory next above the level of the ſtreet, lane, or place of the houſe or other building, in, to, againſt, or before which the ſame ſhall be made or placed; nor ſhall any roof over any projection, by this act allowed

Exception for ſhops.

to

to be made or ſet up, be higher than the ſill of the one pair of ſtairs window of ſuch laſt-mentioned houſe or building; and that no timber building, projection, or erection whatſoever, (otherwiſe than as aforeſaid,) ſhall be built or erected in the front or rear, or on the top of any houſe or building; any cuſtom or uſage to the contrary notwithſtanding.

Proviſo.

III. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to interfere with, or make void any of the powers heretofore given by any act of parliament to the commiſſioners of ſewers, lamps, and pavements, for the city of *London*, and the liberties thereof.

Gate-ways, &c. to be left for carriages to paſs to wharfs.

IV. *And whereas in the building of houſes or other buildings near or adjoining to the river* Thames, *it may be proper and convenient to erect or leave archways, or other gateways, for carts and carriages to paſs under the ſaid houſes, or ſome part or parts of ſome of them to wharfs near or adjoining to the ſaid river, and to place or fix breaſt-ſummers into the walls of ſuch part or parts of ſuch houſes, ſo extending over or acroſs ſuch archways or gateways*; be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the builder of the party wall or party walls of any houſe or houſes, or other buildings, near or adjoining to the ſaid river, within the limits aforeſaid, to make or leave archways or gateways for carriages to paſs to the ſaid wharfs, in ſuch part of the ground and cellar floors, or either of them, of any ſuch houſe or houſes, or other buildings, and to place and fix a proper breaſt-ſummer or breaſt-ſummers, over any ſuch arched-way or gate-way; any thing herein contained, or any law, ſtatute, or uſage to the contrary notwithſtanding.

Walls acroſs gate-ways to wharfs to be one brick and half thick.

V. Provided always, and be it further enacted, That every wall and walls to be erected or ſet up upon any breaſt-ſummer, over any ſuch arched-way or gate-way, ſhall not be leſs than one brick and an half, or thirteen inches thick; any thing herein contained to the contrary notwithſtanding.

In what caſes ad builder may uſe party or end walls.

VI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, who ſhall build againſt any ſuch party wall or party walls, flank, or ſide wall or walls, and ſhall have paid the full and due proportion of the charges of building ſuch wall or walls, according to the directions herein-after ſet forth, to cut into ſuch wall or walls, and to lay into the ſame, according to the directions and regulations herein preſcribed, girders, binding joiſts, and templets, under the ſame, according to the ſaid directions and regulations, at ſuch diſtances, and in ſuch manner, as the firſt builder might do, and not otherwiſe; and alſo to make indents of not more than four inches, for inſerting of partition walls and jambs of chimnies therein; and alſo to make an indent into the end of any adjoining front wall, not more or deeper than four inches, for the purpoſe of joining the walls between houſe and houſe; and to cut into any ſuch wall or walls, where there is no funnel, the depth of five inches, and not more or deeper, for the purpoſe only of laying ſtone ſteps into the ſame wall or walls;

walls; and of the depth of four inches, and not more or deeper, for laying timbers for ſtairs or ſteps of wood; but ſhall not cut into, or wound any ſuch wall or walls, in any other part or parts thereof, or in any other manner or for any other purpoſe whatſoever; and that no cornice or projection of wood, in or upon any other wall of any houſe or other building, already built, or hereafter to be built, in any ſtreet, lane, or place, within the limits aforeſaid, ſhall be made or ſuffered, except to frontiſpieces of doors, and ſuch ſhop windows as are hereby authoriſed to be made.

Regulations for placing chimney jambs, &c. in party walls.

VII. Provided always, and be it enacted by the authority aforeſaid, That if any perſon or perſons, being poſſeſſed of, and intitled unto any ground adjoining to any flank or ſide wall of a houſe or building for habitation, about to be built, or building on any new foundation or foundations, according to the directions of this act, ſhall be deſirous of building any houſe or tenement for habitation on the ground ſo adjoining, and of having chimney jambs, breaſts, and flues of chimnies, for ſuch his, her, or their intended houſe or building, erected and ſet into any ſuch flank or ſide wall; or being poſſeſſed of any houſe or other building, adjoining to any houſe or tenement for habitation, hereafter to be built on any old foundation or foundations, within the limits of this act, ſhall be deſirous of having chimney jambs, breaſts, and flues of chimnies, for ſuch adjoining houſe or tenement, erected and ſet into any party wall or walls hereafter to be erected according to the directions of this act, and of ſuch deſire ſhall and do give notice in writing to the builder or builders thereof, or any one of them at any time before any ſuch flank or ſide wall or party wall ſhall be begun to be built; then, and in that caſe, ſuch builder or builders ſhall, and is and are hereby directed and required, from and after ſuch notice ſo given, to erect in a proper ſubſtantial, and workmanlike manner, ſuch and ſo many chimney jambs, breaſts, and flues of chimnies, in all ſuch parts of every ſuch flank, or ſide wall, or party wall unbuilt at the time of ſuch notice, as ſhall be by the perſon or perſons giving ſuch notice required and directed, not interfering with, or injurious to the jambs and flues of the chimnies to be built to the adjoining houſe or tenement, nor being in any reſpect contrary to the rules, orders, regulations and reſtrictions, in and by this act preſcribed and directed: and from and after the erecting and ſetting up ſuch jambs, breaſts, and flues of chimnies ſo required to be built, the perſon or perſons giving any ſuch notice as aforeſaid, his, her, or their executors and adminiſtrators, ſhall, to all intents and purpoſes, be deemed and taken to have made uſe of every ſuch flank, or ſide wall, or party wall, and ſhall be from thenceforth liable to pay the whole expence of erecting and ſetting up all and every ſuch jambs, breaſts, and flues of chimnies erected and built in purſuance of ſuch notice, and alſo one full moiety of the expence of the whole of every wall or walls in which ſuch jambs, breaſts, and flues ſhall be ſo erected; to be computed

puted and aſcertained as herein-after directed, and to be recoverable and recovered, with full or common coſts of ſuit, in the ſame or like manner as any other proportion of any party wall or other wall is herein and hereby made recoverable.

Thickneſs of chimney jambs.

VIII. And be it further enacted by the authority aforeſaid, That all jambs and backs of chimnies, which, from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, ſhall be erected or built within the limits aforeſaid, ſhall be at leaſt one brick and an half, or thirteen inches thick, in the cellar or loweſt ſtory of the buildings wherein the ſame ſhall be erected, and from thence to the upper ſtory of ſuch building, one brick or nine inches thick; and that all withs, in the inſide of ſuch chimnies, ſhall be the breadth of a brick or four inches thick; and that all the funnels of ſuch chimnies ſhall be plaiſtered or pargetted on the inſide on all parts thereof from the bottom to the top, and ſhall alſo be plaiſtered or pargetted without ſide to the cieling of the upper ſtory; and that the flues of every chimney on the outſide of every ſuch party wall as aforeſaid, next to any vacant ground, ſhall be lime-whited, from the bottom to the roof of the houſe or building; and that every chimney, ſo to be built as aforeſaid, ſhall be turned or arched under the hearth thereof with brick, except on the loweſt ſtory of the building wherein the ſame ſhall be erected; and that no timber ſhall lie or be placed nearer than five inches to any chimney funnel or fire place; and that every mantle between the jambs of chimnies ſhall be arched over with brick, or ſet upon an iron bar or iron bars; and that no wood or wainſcot whatever ſhall be placed or affixed to the front of any ſuch jamb or mantle nearer than five inches from the inſide of ſuch jamb or mantle; and that no ſtove, boiler, copper, or oven, ſhall, from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, be ſet up, fixed, or hung within the limits aforeſaid, otherwiſe than with iron, brick, or ſtone; nor ſhall the flue of any ſuch ſtove, boiler, copper, or oven, be placed nearer than nine inches to any timber or wood, for or on any pretence whatſoever.

Funnels to be plaiſtered and pargetted within and without.

Hearths to be arched with brick.

Between the jambs to be arched with brick, or ſet on iron.

How ſtoves, boilers, and coppers are to be ſet.

No breaſt-ſummer, door-caſe, window, &c. to be in any party wall.

IX. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, it ſhall not be lawful to make or have in any flank or ſide wall of any houſe or building againſt or adjoining to which any other houſe or building is to be, or may be erected, or in any party wall of any houſe or building for habitation within the limits aforeſaid (except as herein-before expreſſed and directed) any door-caſe, window-lentil, breaſt-ſummer, ſtory poſt, or plate whatever, unleſs where two or more houſes or other buildings ſhall be laid together, and being ſo laid together ſhall be uſed and occupied as one houſe or building.

Directions reſpecting front and rear walls, ſtory

X. And be it further enacted by the authority aforeſaid, That if the front or rear wall of any houſe or other building for habitation, which, from and after the ſaid twenty-fourth day of

of *June*, one thouſand ſeven hundred and ſeventy-two, ſhall be erected or built within the limits aforeſaid, ſhall be built, made, or carried up, otherwiſe than with brick or ſtone, or brick and ſtone together, (except as herein excepted;) or if any ſuch front wall ſhall not be built and carried up from the foundation of ſuch houſe or other building to the full height herein directed and required; or if any ſuch wall ſhall not be coped with ſtone, tile, or brick; or if any ſuch houſe or other building which ſhall be erected ſhall not have ſuch party wall and walls, flank, or ſide walls, wholly of brick or ſtone, or of brick and ſtone together, as herein before directed and required, (except as herein excepted;) or if any ſuch party wall, flank, or ſide wall, ſhall be in any part thereof of a leſſer thickneſs than is herein-before preſcribed, or ſhall not be carried up to the full height herein directed and required; or if any bricks, other than good, ſound, hard, well-burnt bricks, ſhall be laid, put into, or uſed in any ſuch party wall, flank, or ſide wall; or if any timber, other than girders, binding, and trimming joiſts, and templets under them, and other than neceſſary ſound ſquare bond timbers; or if any timber of the roof (except the purloins and kirbs thereof, and gutter plates) ſhall be laid into any party wall, flank, or ſide wall, as aforeſaid; or if any girder, or binding, or trimming joiſt, ſhall be laid into any party wall, more than nine inches; or if the ends of any girders, binding, or trimming joiſts, in any adjoining houſes, or other buildings, ſhall meet or be laid oppoſite to each other; or if the ſides of any girders, or binding, or trimming joiſts, in any adjoining houſe, or other building, ſhall not be of the full diſtance herein directed, from each other; or if there ſhall not be five inches in breadth, at the leaſt, of ſolid brick-work left between the ends of all and every lentils, wall plates, or bond timbers; or if any bow window, or other projection, ſhall be built, made, ſet up, or affixed to, againſt, or before any houſe or other building fronting to any ſtreet, lane, or place, except for the convenience of a ſhop or ſhops only; or if any bow window, or other projection for the convenience of a ſhop or ſhops ſhall project or extend forward more than five inches from the upright of the houſe or building to the front of the ſtall-board in any ſtreet, lane, or place, not being thirty-two feet wide, or more than ten inches from ſuch upright to the front of the ſtall-board in any ſtreet, lane, or place, which ſhall be more than thirty-two feet wide, or ſhall be higher than the top of the ground ſtory, or ſtory next above the level of the ſtreet, lane, or place of the houſe or other building, to, or againſt, or before which the ſame ſhall be made or placed; or if any roof over any projection by this act allowed to be made or ſet up ſhall be higher than the ſill of the one pair of ſtairs window of ſuch laſt mentioned houſe or building; or if any timber building, erection, or projection whatever, other than by this act allowed, ſhall be built or erected in the front or rear, or on the top of any houſe or building; or if any perſon or perſons who ſhall build againſt any party wall, or end or ſide wall, ſhall make any

poſts, breaſt-ſummers, party walls, girders, joiſts, chimnies, bow windows, &c. to be obſerved by all buiiders, &c.

any indent of more than four inches for inſerting any partition wall and jambs of chimnies therein, or ſhall make in any adjoining front wall an indent more or deeper than four inches, for the better adjoining of the front walls between houſe and houſe; or ſhall cut into any other part of any ſuch wall to any greater depth than five inches for the laying of ſtone ſteps into the ſame, or more than four inches for laying ſtairs or ſteps of wood; or if any cornice or projection of wood, except to ſhops having breaſt-ſummer fronts, and to frontiſpieces of doors, and ſuch bow windows as are hereby authoriſed to be made, ſhall be put or ſuffered in any front or rear wall of any houſe or other building already built, or hereafter to be built, within the limits aforeſaid, or other wall fronting to any ſtreet, lane, or place; or if the jamb or back of any chimney to be built within the limits aforeſaid ſhall not be at leaſt one brick and an half or thirteen inches thick in the cellar or loweſt ſtory, and brick or nine inches to the upper ſtory; or if any with within the inſide of any chimney ſhall be leſs than four inches thick; or if any funnel in any ſuch chimney ſhall not be plaiſtered or pargetted within and without, as herein before-directed; or if on the flue of every chimney, on the outſide of every party wall next to any vacant ground, ſhall not be limewhited from the bottom to the roof of the houſe or building; or if any chimney hereafter to be built within the limits aforeſaid ſhall not be turned or arched under the hearth with brick, except in the loweſt ſtory; or if any timber ſhall lie or be placed nearer than five inches to any chimney, funnel, or fire-place; or if any mantle between the jambs of the chimney ſhall not be arched over with brick, or ſet upon an iron bar or iron bars; or if any wood or wainſcot ſhall be placed or affixed to the front of the jamb or mantle nearer than five inches from the inſide of ſuch jamb or mantle; or if any ſtove, boiler, copper, or oven, ſhall be ſet up, placed, or hung otherwiſe than herein-before directed; or if, for or any account or pretence whatever, any party wall, or end or ſide wall whatever, ſhall be cut into or wounded, (except as is herein excepted;) or if any door caſe, window, window frame, lentil, breaſt-ſummer, ſtory poſt, plate, or timber, (all neceſſary bond timber as aforeſaid excepted) ſhall be fixed, ſet up, or put into any party wall, or end or ſide wall, except where two or more houſes or other buildings ſhall be laid together, and uſed and occupied as one houſe or building; then, and in every or any ſuch caſe, the maſter or head builder, maſter bricklayer, or maſter workman, or other perſon cauſing ſuch building to be erected and built, ſhall, for every offence or default as aforeſaid, forfeit and pay the ſum of fifty pounds; one moiety thereof to be paid to the overſeer or overſeers of the poor of the pariſh, precinct, or place wherein the offence was committed, for the uſe of ſuch poor only, and the other moiety thereof to the perſon or perſons ſuing for the ſame; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, or more than one imparlance ſhall be allowed.

under the penalty of 50l.

XI. And

Parishioners, &c. where the offence is committed, to be witnesses.

XI. And be it further enacted by the authority aforesaid, That the parishioners and inhabitants of the parish, precinct, or place where any offence against this act shall be committed (except persons receiving alms) shall be admitted and allowed to be competent witnesses in the trial or otherwise, in any action, bill, plaint, or information, in any of the said courts of record, or at or upon the hearing and determination of any information before the mayor of *London*, or other justice of the peace, for or concerning any offence or offences against this present act, notwithstanding his, her, or their being a parishioner or parishioners, inhabitant or inhabitants, in such parish, precinct, or place.

Builder, after conviction, to make good irregularities, on pain of a further penalty of 50*l.*

XII. And be it further enacted by the authority aforesaid, That the master or head builder, master bricklayer, or master workman, or other person causing such building to be erected, against whom any of the forfeitures or penalties aforesaid shall be recovered, shall, and is hereby required, within the space of nine months next after the recovery thereof, to make good all such defects and irregularities, for which every such forfeiture and penalty was recovered, and render the building of such house and houses, or other building or buildings, conformable to the directions of this present act: and in case all or any of the defects and irregularities for which such forfeiture or forfeitures, penalty or penalties, was or were recovered shall not be made good, and the building of the said house or houses, or other buildings, shall not be rendered conformable to the directions of this present act, within the said nine months; then every person or persons against whom such recovery shall have been, shall forfeit the sum of fifty pounds; to be recovered and applied in the same or like manner as the before-mentioned forfeitures and penalties are herein-before directed to be recovered and applied, and so *toties quoties*, for every nine months that such defects and irregularities shall continue; and that such house or houses, or other buildings, shall remain built otherwise than conformable to the directions of this present act.

Workmen doing any thing contrary to this act, shall forfeit 10*l.*

XIII. And be it further enacted by the authority aforesaid, That if any workmen or servants to any master or head builder, master bricklayer, or master workman, or other person or persons causing such buildings to be erected, shall wilfully, carelessly, or negligently, and without the direction, privity, or consent of such master or head bricklayer, or master workman, do any thing in or about such buildings, contrary to the directions of this act, every such workman or servant so offending, shall, for every offence, upon conviction thereof before the mayor of *London*, or other justice of the peace for the said city of *London*, or before one or more justice or justices of the peace for the said county of *Middlesex* or county of *Surrey*, or the city and liberty of *Westminster*, or the liberty of his Majesty's *Tower of London*, (as the case shall be) upon the oath of one or more credible witness or witnesses, (which oath the said mayor and every such justice is hereby impowered and required to administer,) or upon his own confession, shall forfeit the sum of ten pounds; one

moiety thereof to be paid to the overſeer or overſeers of the poor of the pariſh, precinct, or place wherein the offence was committed, for the uſe of the poor only, and the other moiety thereof to the informer; and if any ſuch forfeiture of ten pounds ſhall not be paid upon and immediately after ſuch conviction, then the offender ſhall, by warrant, under the hand and ſeal of ſuch mayor or other juſtice, (except as herein-after is excepted,) be committed to the houſe of correction, there to remain without bail or mainprize, for any time not exceeding three months, nor leſs than one month, unleſs the ſaid penalty ſhall be ſooner paid.

Owners intending to rebuild according to the act, but are prevented by the premiſes being intermixed with the property of other owners under diſability, or unwilling to join, may apply to the mayor, or to the juſtices at their quarter ſeſſions.

XIV. *And whereas ſeveral houſes and other buildings, within the limits aforeſaid, are in part erected and built over the ground and ſoil of another, or other proprietor or proprietors, or the ſeveral rooms or floors of ſuch houſes lie intermixed over or under each other, ſo that a party wall between ſuch houſes cannot be built upon the old foundations perpendicular through all the ſtories, without pulling down ſuch houſes, and laying parts of each to the other, or others, of ſuch houſes, in all which caſes difficulties have ariſen, or may ariſe, amongſt the ſaid ſeveral owners or proprietors, and the rebuilding the ſaid premiſes, and the ſaid party walls thereof, may be thereby prevented or delayed, to the great injury or inconvenience of ſuch of the owners as are deſirous of rebuilding: for remedy whereof, and in order to prevent the fatal effects of fire,* be it enacted by the authority aforeſaid, That in all and every or any of ſuch caſes, when any owner or proprietor of any ſuch houſe or other building within the limits aforeſaid, intermixed as aforeſaid, ſhall be deſirous of rebuilding his, her, or their ſaid houſe or other building, and the owner or owners of ſuch houſe or other building, which did or ſhall thereto adjoin, ſhall not be able or willing to join, or by reaſon of any legal diſability cannot join in ſuch rebuilding, then if the party or parties ſo deſirous of rebuilding his, her, or their houſe or houſes, or other buildings, ſhall give notice in writing, to the owner or owners of ſuch houſe or houſes, or other buildings, which did or ſhall thereto adjoin, that he, ſhe, or they, ſo intending to rebuild, will apply to the court of mayor and aldermen of the city of *London*, to be holden in the outer chamber of the guildhall of the ſaid city, according to the cuſtom of the ſaid city, when the premiſes, or any part thereof, ſhall be ſituate within the ſaid city, or the liberties thereof; to the juſtices of the peace for the county of *Middleſex*, in their general or quarter ſeſſions of the peace for the ſaid county of *Middleſex*, when the premiſes, or any part thereof, ſhall be ſituate in the ſaid county of *Middleſex*; or to the juſtices of the peace for the county of *Surrey*, in their general quarter ſeſſions of the peace for the ſaid county of *Surrey*, when the premiſes, or any part thereof, ſhall be ſituate in the ſaid county of *Surrey*; or to the juſtices of the peace for the ſaid city and liberty of *Weſtminſter*, in their general quarter ſeſſion of the peace for the ſaid city and liberty, when the premiſes, or any part thereof, ſhall be ſituate in the ſaid city or liberty; or to the juſtices of the

the peace for the ſaid liberty of the *Tower of London*, in their general quarter ſeſſions of the peace for the ſaid liberty, when the premiſes, or any part thereof, ſhall be ſituate in the ſaid liberty, which ſhall be next holden after fourteen days from the delivery of ſuch notice, in order to obtain the judgement and determination of the ſaid court of mayor and aldermen, or of the ſaid court of ſeſſions, (as the caſe ſhall be,) touching the rebuilding the houſe or houſes, or other buildings, or party walls, to be deſcribed in ſuch notice, and for aſcertaining the ſcite of a perpendicular party wall or party walls, to be built according to the directions and reſtrictions in this act contained and deſcribed, by delivering a true copy of ſuch notice to the owner or owners of ſuch houſe or houſes, or other buildings, which did or ſhall adjoin, or by leaving the ſame at his, her, or their laſt or uſual place of abode, or by delivering a true copy of ſuch notice to the tenant in poſſeſſion of ſuch houſe or houſes, or other buildings, which did or ſhall ſo adjoin, or by fixing ſuch copy to or upon the door, or other notorious part of ſuch laſt-mentioned houſe or other building; then, and in every ſuch caſe, it ſhall and may be lawful to and for the ſaid court of mayor and aldermen, and to and for the juſtices of the peace for the ſaid county of *Middleſex*, in their general or quarter ſeſſions of the peace for the ſaid county of *Middleſex*, and to and for the ſaid juſtices of the peace in their general quarter ſeſſions of the peace reſpectively, (as the caſe ſhall be,) and they are hereby reſpectively authoriſed and required, upon application to them by the party or parties ſo deſirous to rebuild, and upon ſuch proof of ſuch notice as they ſhall deem reaſonable, to iſſue their warrant or warrants, precept or precepts, to the ſheriffs of *London*, or to the ſheriff of the ſaid county of *Middleſex*, or ſheriff of the ſaid county of *Surrey*, or ſheriff or bailiff of the liberty of his Majeſty's *Tower of London*, (as the caſe ſhall be,) requiring them or him reſpectively, to impanel and return a competent number of ſubſtantial and diſintereſted perſons, qualified to ſerve on juries within the reſpective diſtricts for which they are ſummoned, not leſs than twenty-four, nor more than thirty-ſix; and out of ſuch perſons ſo to be impanelled, ſummoned, and returned, a jury of twelve perſons ſhall be drawn by ſome perſon or perſons to be by the ſaid court or ſeſſion appointed, in ſuch manner as juries are directed to be drawn for the trial of iſſues joined in his Majeſty's courts of record at *Weſtminſter*, by an act made in the third year of the reign of his late majeſty King *George* the Second, (intituled, *An act for the better regulation of juries*;) which perſons ſo to be impanelled, ſummoned, and returned as aforeſaid, are hereby required to come and appear before the ſaid court of mayor and aldermen, or before the ſaid courts of ſeſſions for the ſaid county of *Middleſex*, or county of *Surrey*, or city and liberty of *Weſtminſter*, or the liberty of his Majeſty's *Tower of London*, (as the caſe ſhall be,) at ſuch time and place as in ſuch warrant or warrants precept or precepts ſhall be directed and appointed, and there to attend, from day to day until

Sheriffs to ſummon juries for the purpoſes of determining whether premiſes ought to be rebuilt, &c.

Act 3 Geo. 2.

til diſcharged by the court; and all parties concerned ſhall and may have their lawful challenges againſt any of the ſaid jury, but ſhall not be at liberty to challenge the array; and the ſaid court of mayor and aldermen, and any of the ſaid courts of the ſaid county of *Middleſex* or *Surrey*, city and liberty of *Weſtminſter*, or liberty of the *Tower of London*, is and are hereby authoriſed and impowered, by precept or precepts, from time to time, as occaſion ſhall require, to call before them reſpectively all and every perſon and perſons who ſhall be thought proper or neceſſary to be examined as a witneſs or witneſſes before them, on their oath or oaths, concerning the premiſes and either of the ſaid courts, if they ſhall think fit, ſhall and may likewiſe authoriſe the ſaid jury to view the place or places in queſtion, in ſuch manner as they ſhall direct; and ſhall have power to command ſuch jury, and all ſuch witneſſes and parties as ſhall be neceſſary or proper, to attend until all ſuch affairs for which they are ſummoned ſhall be concluded; and the ſaid jury, upon their oaths, (which oaths, as alſo the oaths to ſuch perſon or perſons as ſhall be called upon to give evidence to any or either of the ſaid courts, the ſaid courts are hereby reſpectively impowered and required to adminiſter,) ſhall inquire and try, and determine by their verdict, whether the premiſes in every or any of the caſes aforeſaid ought to be rebuilt or not; and if the ſame ought to be rebuilt, to award and determine the ſcite of a perpendicular party wall or party walls of ſuch houſe or houſes, or other buildings, ſo intended to be rebuilt, as near to the old foundation as may be, and to aſcertain the quantity of the ſoil or ground, (if any) neceſſary to be laid to or taken from the houſe of the perſon or perſons deſirous to rebuild, permitting ſuch perſon or perſons to erect a perpendicular party wall or party walls upon or as near as may be to ſuch old foundation or foundations, as aforeſaid; and to fix, aſcertain, and award what (if any) compenſation or recompence ſhould be made, given, and paid by any or either of the ſaid parties in difference to the other or others of them in lieu of the leſſening either of the ſaid houſes, or other buildings, by ſuch perpendicular party wall or party walls; and the ſaid court of mayor and aldermen, and the ſaid ſeſſions reſpectively ſhall give judgement according to ſuch verdict, as well for the ſcite of ſuch intended party wall or walls, as alſo for ſuch ſum or ſums of money (if any) ſo to be aſſeſſed by the ſaid jury; and ſhall and may (if they ſhall ſee fit) award to either of the parties ſuch coſts as they ſhall deem juſt and reaſonable; which verdict or verdicts, and the judgement, order, or determination thereupon, ſhall be binding and concluſive to all intents and purpoſes whatſoever, againſt all and every perſon and perſons, bodies politick and corporate, claiming any eſtate, right, title, truſt, uſe, or intereſt in, to, or out of the ſaid premiſes, or any part thereof, either in poſſeſſion, reverſion, remainder, or expectancy, as alſo againſt the King's moſt excellent majeſty, his heirs and ſucceſſors, and againſt infants and iſſue unborn, lunaticks, idiots, and femes-covert, and perſons under any other legal

Witneſſes may be cited.

Court to give judgement according to ſuch verdict,

and judgement to be binding.

legal incapacity or disability, and all trustees and cestuique trusts, his, her, and their successors, heirs, executors, and administrators, and against all other persons whomsoever: and all and every the said verdicts, judgements, orders, and determinations, and all other proceedings of the said court of mayor and aldermen, and court of sessions, so to be made, given, and pronounced as aforesaid, shall be by the town clerk of the city of *London*, or by the clerk of the peace, (as the case shall be,) entered and filed, as of record of the said court where such proceedings shall have been had; for the entry and filing whereof, and for every order of court, and copy thereof, the said town clerk, or clerk of the peace, shall be paid after the rate of twelve-pence for every one hundred words, and no more; and each of them, the said town clerk, and clerk of the peace respectively, is hereby impowered and required to make and deliver to any person or persons requiring the same, an exemplification, under his hand and seal, of every or any such verdict, judgement, order, and determination, being paid for the same after the rate of twelve-pence for every one hundred words; and every such exemplification shall and may be taken and read as evidence in all courts of law and equity whatever: and from and after the obtaining such judgement, and payment, or tender, in manner herein-after directed, of the sum or sums of money (if any) thereby assessed or awarded, or where no sum of money shall be so assessed or awarded, from and after the obtaining such judgement, the person or persons who shall have applied for and obtained such judgement, his, her, or their heirs, executors, or administrators, servants or workmen, shall and may pull down his, her, or their own house or other building, and rebuild the same with a perpendicular party wall or party walls, on the scite of such ground, as shall be ascertained for that purpose by such judgement; and to that end shall and may, in the presence of a constable or headborough, or other officer of the peace, after the end of fourteen days after such judgement, order, or determination shall have been obtained, enter upon the scite of the ground so ascertained for a party wall or walls, and into the house or other building (if any be) adjoining to the house or party wall intended to be rebuilt, at any time between the hours of six in the morning and six in the afternoon, (*Sundays* excepted;) and if the outer door of such house or other building shall be shut, and the occupier, or any other person therein, shall refuse to open the same, being thereunto required; or if such house or other building shall be empty and unoccupied, shall and may break open such outer door, and remove, to some other part of the same premises, any goods, furniture, shelves, or other matter or thing, which shall obstruct the building of such intended perpendicular party wall or walls, or the pulling down any wall, partition, or other thing necessary to be pulled down and removed, in order to the building such intended party wall or walls; and from and after such entry as aforesaid, and at all usual times of working, it shall and may be lawful to and

Judgements, &c. be entered as of record.

After judgement and payment, &c. of money, (if any) party applying may pull down his house, and rebuild the same with a perpendicular party wall; and, in the presence of a constable, may enter the adjoining house, and may remove goods or furniture.

and for the builder or builders employed to erect ſuch intended party wall or walls, and his and their ſervants, and all others employed by him or them, to enter into and upon the premiſes, and abide therein the uſual times of working, for the ſhoring up the ſaid houſe, or other building, ſo broke into or entered upon, and for taking down and removing any party wall or walls, partition, wainſcot, or other thing neceſſary to be taken down and moved for the purpoſe aforeſaid, and to build ſuch intended perpendicular party wall or walls: and if any ſuch owner or occupier, or other perſon or perſons, ſhall in any manner hinder, obſtruct, or impede any workman or workmen employed for any of the purpoſes aforeſaid, or ſhall wilfully damage or injure the ſaid works, every ſuch owner or occupier, or other perſon ſo offending, ſhall, for every ſuch offence forfeit and pay the ſum of ten pounds; to be recovered, levied, and applied, as herein is after mentioned.

If any perſon hinder the workmen, to forfeit 10l.

Seſſions for Surrey to be held at Saint Margaret's Hill.

XV. Provided always, and be it further enacted by the authority aforeſaid, That upon every application to the general quarter-ſeſſions of the peace for the ſaid county of *Surrey*, for or concerning any matter to be by ſuch quarter-ſeſſions ordered, directed, or done by virtue or in purſuance of this act, the jury (if any) to be impanelled, and all parties required to attend the quarter-ſeſſions for the ſaid county, ſhall be impanelled, directed, and required to attend, at ſome general or ſpecial adjournment of the ſaid quarter-ſeſſions, within ſix weeks next after ſuch application; which ſaid adjournments ſhall be to the court houſe of the town and borough of *Southwark*, in the ſaid county, ſituate and being at *Saint Margaret's Hill*, within the ſaid town and borough, or in ſome convenient part thereof, or in ſome other place near, or thereunto adjoining, to be appointed by the juſtices in the ſaid ſeſſions, ſo as not to impede or interrupt the buſineſs at any time hereafter to be done by or before his Majeſty's juſtices of aſſize, juſtices of *Oyer* and *Terminer*, juſtices of gaol delivery, or juſtices of the peace or the county leets, or courts of ſewers for the city of *London*, or liberties thereof, and which have been uſually done, held, or kept in the ſaid court houſe; and that, from time to time, every further meeting of the ſaid ſeſſions for any thing to be done upon ſuch application, ſhall be appointed at or within the ſpace of three weeks; which adjournment and adjournments the juſtices of the peace for the ſaid county of *Surrey*, and every of them, are hereby impowered and required to make and hold, from time to time, as there ſhall be occaſion; any law or uſage to the contrary notwithſtanding.

Court may fine the ſheriff or his deputy making default.

XVI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid court of mayor and aldermen, and to and for any or either of the aforeſaid courts of ſeſſions, (as the caſe ſhall be,) and they are hereby impowered and required, from time to time, to impoſe any reaſonable fine or fines on ſuch ſheriff or ſheriffs, or their or his deputies or deputy, or any of them, making default in the premiſes;

miſes; and on any of the perſons who ſhall be ſummoned and returned on ſuch jury, and ſhall not appear at the time and place in ſuch ſummons ſpecified, or appearing, ſhall refuſe to be ſworn on ſuch jury, or to give his or their verdict, or in any manner wilfully neglecting his or their duty, therein contrary to the true intent and meaning of this act; and on any of the perſons having notice to attend to give evidence touching the premiſes, who ſhall not attend or attending, ſhall refuſe to be examined or give evidence; and, from time to time, in default of payment thereof on demand, to levy ſuch fine or fines in ſuch manner as the before-mentioned penalty of fifty pounds is herein-before directed to be recovered and levied, ſo that no fine ſhall exceed the ſum of ten pounds upon any one perſon for any one offence; and ſuch fine or fines, when ſo received, or levied and recovered, ſhall be applied to and for the uſe of the perſon or perſons ſo applying to the ſaid court of mayor and aldermen, or to the ſaid courts of ſeſſions, (as the caſe ſhall be,) and to and for no other uſe or purpoſe whatever.

Proprietors pulling down party walls, to give notice in the following form;

XVII. *And whereas it may happen that party walls, heretofore built within the limits aforeſaid, may be ſo far out of repair as to render it neceſſary to pull down and rebuild the ſame, when both the adjoining houſes, or other buildings, may not require to be rebuilt*; be it enacted by the authority aforeſaid, That from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, all and every the owner or proprietor of any houſe or building within the limits aforeſaid, who ſhall think it neceſſary to pull down any partition or party wall between any ſuch houſe and the next adjoining houſe, ſhall (in caſe the owner or owners, proprietor or proprietors, of ſuch adjoining houſe will not, or by diſability cannot, agree touching the pulling down or rebuilding ſuch party wall) give three months notice to the owner or occupier of ſuch adjoining houſe, of ſuch his, her, or their intention to pull down ſuch partition or party wall; which notice ſhall be in the form, or to the effect following:

The form.

APprehending the party wall between your houſe, ſituate inhabited by and my houſe adjoining thereto, to be ſo far out of repair as to render it neceſſary to pull down and rebuild the ſame, take notice, That I intend to have the ſaid party wall ſurveyed agreeable to an act of parliament made in the twelfth year of the reign of King George *the Third, and have appointed of and of my ſurveyors, to meet at in on my behalf, on the day next, at of the clock, in the of the ſame day; and I do hereby require, and call upon you, to appoint two other ſurveyors, or able workmen, on your part, to meet them at the time and place aforeſaid, to view the ſaid party wall, and certify the ſtate and con-*

condition thereof, and whether the ſame ought to be pulled down and rebuilt. dated this day of

Surveyors to be appointed to view party walls.

And every ſuch owner and occupier ſhall appoint two ſurveyors, or able workmen, to meet at the time and place in ſuch notice to be mentioned; and they, together with the two ſurveyors or able workmen, to be named by the party giving ſuch notice, and whoſe names ſhall be expreſſed in ſuch notice, may view ſuch party wall, and certify the ſtate and condition thereof, and whether the ſame ought to be pulled down and rebuilt; and ſuch ſurveyors, ſo to be named as aforeſaid, or in caſe the owner or occupier of ſuch adjoining houſe or building, having notice as aforeſaid, ſhall refuſe or neglect to name ſuch two ſurveyors or able workmen, according to ſuch notice, then the two ſurveyors or workmen, named in ſuch notice, together with two other ſurveyors or able workmen alſo to be named by the party giving ſuch notice as aforeſaid, ſhall and may, within ſix days after their appointment, view the partition or party wall intended to be pulled down; and ſhall certify in writing under their hands, to the ſaid court of mayor and aldermen, or to the ſaid juſtices of the peace, in their next general or quarter ſeſſions of the peace reſpectively, (as the caſe may be,) the ſtate and condition of ſuch party wall, and whether the ſame ought to be pulled down and rebuilt: and in caſe the major part of the ſurveyors or workmen appointed in manner by this act preſcribed, to view ſuch partition or party wall ſo intended to be pulled down, ſhall not, within the ſpace of one month next after ſuch appointment, ſign ſuch certificate in writing; then, and in every ſuch caſe, it ſhall and may be lawful to and for any one or more of his Majeſty's juſtices of the peace for the ſaid city of *London*, or county of *Middleſex* or *Surrey*, or city and liberty of *Weſtminſter*, or liberty of his Majeſty's *Tower of London*, (as the caſe ſhall be,) and ſuch one or more juſtice or juſtices is and are hereby authoriſed and required, upon application made to him or them for that purpoſe, by the party giving ſuch notice as aforeſaid, to name and appoint one other able ſurveyor or workman to be added to the ſurveyors or workmen appointed by virtue and in purſuance of this act; and all the ſaid ſurveyors or workmen, ſo appointed, or the major part of them who ſhall meet for that purpoſe, (ſix days notice having been given to, or left at the dwelling-houſe of each and every of them, of ſuch intended meeting,) ſhall view the partition or party wall ſo propoſed to be pulled down; and in caſe the major part of ſuch ſurveyors or workmen, to be appointed in manner aforeſaid, ſhall certify in writing, under their hands, that ſuch wall is decayed and ruinous, or is not ſufficiently ſecure againſt fire, if any ſhould happen, and that the ſame ought to be pulled down, then, within three days next after ſuch certificate made by ſuch major part of the ſaid ſurveyors or workmen as aforeſaid, a copy thereof ſhall be delivered to the owner or occupier of, or left at ſuch next adjoining houſe; and ſuch laſt-mentioned owner or occupier ſhall and

Surveyors neglecting to ſign the certificate for one month, Juſtices may appoint another ſurveyor.

Major part of ſaid ſurveyors certifying the walls to be ruinous, copy of certificate to be delivered to owners, &c. within three days.

and may (if he, ſhe, or they ſhall ſo think fit) appeal from, or againſt ſuch certificate, to the next general or quarter-ſeſſions to be holden for the city, county, or place, (as the caſe may be,) and the juſtices at the ſaid general or quarter-ſeſſions to which ſuch appeals ſhall be made, ſhall ſummon before them one or more of ſuch ſurveyors or workmen, and ſuch other perſon or perſons as they ſhall think fit, and ſhall examine the matter upon oath, which oath or oaths they are hereby impowered to adminiſter; and upon ſuch examination or examinations, the ſaid juſtices are hereby authoriſed and required to make ſuch order or orders in the premiſes as they in their diſcretions ſhall think to be juſt and reaſonable; and the determination of the ſaid juſtices ſhall be final and concluſive to all parties, without any appeal from the ſame: and for neglect or default of appealing, or if on appeal there ſhall be no order to the contrary; then, and in every or any ſuch caſe, and not otherwiſe, it ſhall and may be lawful to and for the party intending to pull down and rebuild ſuch party wall as aforeſaid, to cauſe ſuch partition or party wall to be pulled down, and to have and exerciſe the like power of entry into, or upon the adjoining houſe or houſes, and of removing wainſcot, ſhelves, furniture, and other things, and of ſhoring up the ſaid adjoining houſe or houſes, as is given or allowed to the owners or proprietors of intermixed houſes or buildings in and by this preſent act, and ſhall and may erect and build a new perpendicular party wall or walls of ſuch materials, and of ſuch thickneſs and height, and in ſuch manner, and ſubject to ſuch reſtrictions and directions, as are in and by this act preſcribed and directed.

Owners, &c. may appeal to the general quarter-ſeſſions.

whoſe determination ſhall be final.

XVIII. *And whereas ſeveral old houſes within the limits aforeſaid have, inſtead of one party wall, one timber partition, or two old timber walls or partitions, one belonging to each houſe: and whereas diſputes may ariſe, touching the pulling down ſuch walls or partitions, and the building party walls, agreeable to the rules and directions herein contained, in the place and ſtead of ſuch partition or wall, whenever it may be expedient to rebuild any ſuch houſe or building*; be it enacted by the authority aforeſaid, That if the owner or builder of any houſe or building, to which any ſuch partition or old timber wall or walls ſhall belong, ſhall be deſirous of pulling down and rebuilding ſuch houſe or building, and of ſuch his deſire ſhall give three months notice to the owner or owners, occupier or occupiers, of the next adjoining houſe or building, in the form or to the effect following:

Old partitions or timber walls may be pulled down by the owner or builder of any houſe adjoining, and new party walls built in their ſtead.

IN *three months from the date hereof, take notice, that I intend to pull down the timber partition or partitions, or timber wall, between your houſe, occupied by ſituate in and my houſe adjoining thereto, and in the ſtead thereof, to build a brick perpendicular party wall, agreeable to an act of parliament made in the twelfth year of the reign of King* George *the Third. Dated this day of*

Form of notice.

Then

Then and in that caſe, from and after the expiration of the three months, to be expreſſed in ſuch notice, it ſhall and may be lawful to and for the owner or builder of ſuch houſe or building ſo to be rebuilt, to pull down the ſaid partition or partitions, and to have and exerciſe the like power of entry into and upon the ſaid adjoining houſe or building, and of removing wainſcot, ſhelves, furniture, and other things, and of ſhoring up the ſaid adjoining houſe or building, as is given and allowed to the firſt builder in any other caſe in and by this preſent act, and ſhall and may, in the place and ſtead of ſuch partition or partitions, wall or walls, build new perpendicular party wall or walls of ſuch materials, of ſuch thickneſs and height, and in ſuch manner, and ſubject to ſuch reſtrictions and directions, as are herein-before mentioned.

Expence of party walls how to be recovered.

XIX. And be it further enacted by the authority aforeſaid, That one moiety of the expence of all party wall or walls, flank, or end wall or walls, to be built by any perſon or perſons whomſoever, in manner in and by this act directed, ſhall be paid and reimburſed to the perſon or perſons at whoſe charge the ſame was or were built and erected, by ſuch perſon or perſons, and at ſuch times, and in ſuch manner, as herein-after is mentioned; and, in the mean time, and until the ſame ſhall be ſo paid for, the ſole property of ſuch party, flank, or ſide wall or walls, and of the ſcite or ground whereon every or any ſuch wall or walls doth or do ſtand, ſhall be veſted and be ſolely in the perſon or perſons at whoſe expence the ſame was or were built; that is to ſay, as to, for, and in reſpect of all and every ſuch flank or ſide wall of any houſe or building, whereunto, at the time of building thereof, no other houſe or building was adjoining; and all and every the perſon or perſons who ſhall then after build any houſe or building adjoining thereto, and ſhall make uſe of the wall or walls, in the manner, and for any of the purpoſes herein-before mentioned, his, her, or their executors, adminiſtrators, or aſſigns, ſhall be liable to pay, or ſhall be charged with one moiety of the expence of the ſaid wall or walls, to be reimburſed as aforeſaid to the perſon or perſons who ſhall then have the property of ſuch wall or walls, as ſoon as ſuch wall or walls ſhall have been firſt cut into, or made uſe of as aforeſaid; and as to, for, and in reſpect of, all or any ſuch party wall as hath been, or ſhall be built againſt, or adjoining to any other houſe or building, the owner or proprietor of ſuch houſe or building next adjoining thereto, his or her executors, adminiſtrators, and aſſigns, ſhall be liable to pay, and ſhall be charged with one moiety of the expence thereof, to be eſtimated after the rate of ſeven pounds *per* rod, to be paid to the perſon or perſons at whoſe expence the ſame ſhall have been built, his, her, or their executors or adminiſtrators, together with all the charges and expences of ſhoring the ſaid adjoining houſe or other building, and the removing any goods, furniture, or other things, and the pulling down any partition, wainſcot, or other thing, in order to the pulling down and

and removing any party wall or walls, or partition wall or walls, and other the contingent expences in any of the caſes aforeſaid actually incurred; and alſo all ſuch coſts (if any) as ſhall have been awarded by any ſuch judgement of the court of mayor and aldermen, or court of ſeſſions, as aforeſaid, when, and as ſoon as the ſame party wall ſhall be built; and within ten days after ſuch party wall ſhall be ſo built, ſuch firſt builder or builders ſhall, in writing, leave at ſuch next houſe or building a true account of the number of rods in ſuch party wall; and one moiety of the expence thereof ſhall be paid by the owner or owners of ſuch houſe or houſes, or other buildings, who are intitled to the improved rent; and it ſhall and may be lawful to and for ſuch tenant or occupier to pay ſuch firſt builder or builders for the ſame, and alſo for the ſhoring and ſupporting the houſe as aforeſaid, after he or they ſhall have built ſuch party wall, and to deduct the ſame out of the next rent which ſhall become due from him or her to ſuch owner or owners, under whom he or ſhe holds or enjoys the ſame reſpectively; and in caſe the ſame ſhall not be paid within twenty-one days next after demand thereof, then the ſame ſhall and may be recovered, together with full coſts of ſuit, of and from the owner or owners, by action of debt, or on the caſe, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed: and if the plaintiff or plaintiffs who ſhall commence any ſuch action ſhall, three calendar months at the leaſt before the commencement thereof, give notice in writing to the perſon or perſons againſt whom ſuch action is intended to be brought of his, her, or their intention to bring the ſame, or leave the ſame at his, her, or their laſt or uſual place of abode, and in ſuch notice ſpecify the ſum for which it is to be brought, and ſhall alſo annex to ſuch notice a bill of the juſt and true particulars of the expences and charges with which the intended defendant or defendants is or are to be charged; then, and in that caſe, ſuch plaintiff or plaintiffs, if he, ſhe, or they ſhall recover the full ſum to be ſpecified in ſuch notice, ſhall alſo recover and be intitled to double coſts of ſuit, and ſhall have and be intitled to the ſame, or like remedies for recovery thereof, as are uſually given for common coſts in other caſes of coſts at law.

When any houſe or tenement ſhall be preſented as in a ruinous ſtate, a ſufficient hoard to be put up before the ſame, &c.

XX. *And whereas houſes and tenements within the limits aforeſaid are often, either from litigated titles thereto, or the obſtinacy, neglect, or poverty of the owners or proprietors thereof, or of parties intereſted therein, in ſo ruinous a condition that paſſengers paſſing thereby are in danger of their lives or limbs from the falling thereof, or of bricks or timber therefrom*; be it therefore enacted by the authority aforeſaid, That from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, if any preſentment ſhall be made by any inqueſt or grand jury in *London*, or by any annoyance jury within the city and liberty of *Weſtminſter*, or by the jury ſworn at the court leet, held by the ſheriff in his turn for any hundred or place, or by any other jury or inqueſt, ſworn within any other part of the limits aforeſaid, that any

any houſe or tenement within the ſame limits, or any part thereof, is or are in a ruinous condition, it ſhall be lawful for the court of mayor and aldermen, in reſpect of any ſuch houſe or tenement within the ſaid city of *London*, and the liberties thereof, or for the churchwardens or overſeers of the poor for the time being of ſuch pariſh, precinct, or place, in which ſuch houſe or tenement ſhall be, (not being in the city of *London*, or the liberties thereof,) and the ſaid court, and every ſuch churchwardens and overſeers of the poor, is and are hereby required, on notice of any ſuch preſentment being made, and on a copy thereof being laid before them or him reſpectively, to cauſe, with all convenient ſpeed then afterwards a proper and ſufficient hoard to be put up for the ſafety of all paſſengers paſſing thereby, and to cauſe notice in writing to be given to the owner or owners, or other perſon or perſons intereſted therein, if he, ſhe, or they, can be found; and if not, to cauſe ſuch notice in writing to be left at the premiſes ſo preſented to be in ſuch ruinous condition, to be affixed to, or upon the door or other notorious part of ſuch houſe or tenement, to repair the ſame, or to take down ſuch building, as the caſe ſhall require, within the ſpace of fourteen days then next enſuing: and if ſuch owner or owners, or other perſon or perſons intereſted in any ſuch houſe or tenement, ſhall not repair or take down the ſame within the ſaid ſpace of fourteen days after any ſuch notice as aforeſaid ſhall be given, left, or affixed, as aforeſaid; then, oath being made before the ſaid mayor, or a juſtice of the peace for the ſaid city of *London* or county of *Middleſex* or *Surrey*, or city and liberty of *Weſtminſter*, or liberty of his Majeſty's *Tower of London*, as the caſe ſhall be, (which oath every of them the ſaid mayor and juſtice is hereby impowered and required to adminiſter,) of ſuch notice having been ſo given, left, or affixed as aforeſaid, the ſaid court of mayor and aldermen, by and out of the caſh in the chamber of *London*, and alſo every ſuch churchwarden and overſeer of the poor, by and out of any monies in his hands, is hereby authoriſed and required, with all convenient ſpeed then afterwards, to order and cauſe ſuch houſe or tenement ſo preſented to be in a ruinous condition, or ſo much thereof as the ſaid court, or the ſaid churchwardens or overſeers of the poor, ſhall find neceſſary for the ſafety of paſſengers, to be taken down and ſecured in ſuch manner as ſhall from time to time be thought requiſite; and to ſell and diſpoſe of ſuch of the materials as the ſaid court of mayor and aldermen, or the ſaid churchwardens or overſeers of the poor, ſhall judge neceſſary or expedient, and by and out of the monies to ariſe by the ſale thereof, to reimburſe, repay, and ſatisfy themſelves, and all and every perſon and perſons by them reſpectively employed for the purpoſes aforeſaid, all the charges of putting up every ſuch hoard, and of taking down and ſecuring all or any part of every ſuch houſe or tenement to be taken down, or made ſecure for the ſafety of paſſengers as aforeſaid, and of the ſale of materials as aforeſaid, or ſo much thereof as the monies to ariſe by ſuch ſale will extend to pay, and ſhall account for

If owners neglect to take down ruinous houſes, after notice,

The mayor, &c. may iſſue warrant to overſeers of the poor, to have the ſame taken down, or ſecured;

and may ſell the materials;

and out of the money ariſing from ſuch ſale the overſeers are to ſatisfy themſelves for their trouble.

for and pay the ſurplus of the monies to ariſe by ſuch ſale (if any be) to the owner or proprietor of every ſuch houſe or tenement, upon perſonal demand thereof made by ſuch owner or proprietor: and if no ſuch demand ſhall be made of any ſuch overſeer or overſeers before another or other overſeer or overſeers of the poor of the ſaid pariſh, precinct, or place, ſhall be appointed; then, and in every ſuch caſe, ſuch overplus ſhall be added to the monies raiſed and collected by virtue of the rates made for the relief of the poor of the ſaid pariſh, precinct, or place, and accounted for as ſuch.

Overplus ariſing by the ſale to be paid to owners on demand:

XXI. Provided nevertheleſs, That any ſuch owner or proprietor, his or her executors or adminiſtrators, ſhall and may, at all times then after, be intitled to have and receive ſuch overplus from the overſeers of the poor for the time being of ſuch pariſh, precinct, or place, within ten days after demand thereof perſonally made by ſuch owner or proprietor, his or her executors or adminiſtrators; and every ſuch overſeer ſhall, and is hereby required to pay the ſame accordingly, out of any monies raiſed, or to be raiſed, by any rate or rates for the relief of the poor, and ſhall be allowed the payment thereof in any account to be by him made with the veſtry, inhabitants, and pariſhioners of the ſaid pariſh, precinct, or place, or the future overſeer or overſeers thereof: and if it ſhall happen that the monies to ariſe by ſuch ſale ſhall fall ſhort and be deficient to repay and ſatisfy all ſuch charges; then, and in every ſuch caſe, ſuch deficiency ſhall from time to time be paid by the owner or owners of every ſuch houſe or tenement, if known, and he, ſhe, or they, can be met with within the limits aforeſaid; and if ſuch owner or owners ſhall, on demand thereof, neglect or refuſe to pay the ſame, then ſuch deficiency may be levied by warrant under the hand and ſeal of the mayor of the ſaid city of *London* for the time being, or any other juſtice of the peace for the ſame city, or the hands and ſeals of two or more juſtices of the peace for the county of *Middleſex*, or county of *Surrey*, or city and liberty of *Weſtminſter*, or liberty of his Majeſty's *Tower of London*, (as the caſe ſhall be,) by diſtreſs and ſale of the goods and chattels of ſuch owner or owners, if any ſuch can be found within the limits aforeſaid: and if no ſuch owner or owners can be met with within the ſaid limits, or if ſufficient diſtreſs of his or their goods or chattels cannot be met with, wherefrom ſuch deficiency of ſuch coſts and charges may be levied and recovered; then, and in every ſuch caſe, the perſon or perſons who ſhall at any time then after occupy any ſuch houſe or tenement, or the ground whereon the ſame ſtood, is and are hereby required and authoriſed to pay the ſame, and to deduct the ſame out of the rent thereof; and if he, ſhe, or they, ſhall neglect or refuſe to pay ſuch deficiency of charges, then the ſame ſhall, by warrant under the hand and ſeal of the ſaid mayor of the ſaid city for the time being, or any other juſtice of the peace for the ſame city, or hands and ſeals of two or more ſuch juſtices of the peace as aforeſaid, be levied by diſtreſs and ſale of the goods and chattels of any occupier

But if ſale of old materials be inſufficient, owners or occupiers to make good the ſame.

Landlords to allow for deficiencies paid by tenants.

cupier or occupiers of the premiſes, together with the coſts of every ſuch diſtreſs and ſale: and the owner or owners, proprietor or proprietors of the premiſes, is and are hereby required to allow to every ſuch occupier or occupiers all ſuch deficiencies and charges which he, ſhe, or they ſhall ſo pay, or which ſhall be recovered or levied by diſtreſs and ſale from him, her, or them, as aforeſaid, out of any rent which ſhall become due for the ſaid premiſes, or any part thereof; and every occupier paying any ſuch deficiency and charges ſhall be acquitted and diſcharged for ſo much money as he, ſhe, or they ſhall ſo pay, in the ſame manner as if the ſame had been actually paid to ſuch perſon or perſons to whom his, her, or their rents were due, and ſhould have been paid; and all ſuch money as ſhall from time to time be received or recovered on the account aforeſaid, for or in reſpect of any ſuch houſe or tenement, within the city of *London*, or the liberties thereof, ſhall be paid to the chamberlain of the ſaid city, and be by him, from time to time, placed to the credit of the caſh of the ſaid city of *London*; and every ſuch ſum or ſums of money as on the account aforeſaid ſhall from time to time, be received or recovered for or in reſpect of any ſuch houſe or tenement in any part of the limits aforeſaid, (other than the ſaid city of *London*, and the liberties there,) ſhall be paid to the churchwardens or overſeers of the poor for the time being of the pariſh, precinct, or place, where ſuch houſe or tenement ſo preſented ſhall be or did ſtand, and ſhall be placed and brought to the account and uſe of the ſaid pariſh, in aid of ſuch or a like rate or fund out of which the expence and charges ſo received or recovered were originally diſburſed.

Water from tops of houſes to be carried into the ſtreets by pipes, under penalty of 10 l.

XXII. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, the water from the tops of all houſes, or other buildings, which ſhall be erected or built, or rebuilt, and from the fronts of ſhops, and all projections by this act allowed within the limits aforeſaid, ſhall be conveyed into the ſtreets, lanes, and other places, or into the areas of ſuch houſes, or other buildings, in lead, or other pipe or pipes affixed againſt or on the ſides or fronts of every ſuch houſe or other building reaching into any publick ſtreet, lane, or place, or extending downwards to the pavement of the ſtreet or area, on pain that the owner or owners of any ſuch houſe, or other building, ſhop, or other projection, offending herein, ſhall, for every ſuch offence, forfeit and pay the ſum of ten pounds: and if after any conviction of any ſuch offence, the water from the top of any ſuch houſe, or other building, ſhop, or other projection, within the limits aforeſaid, ſhall be ſtill conveyed into any ſtreet, lane, or other place, otherwiſe than in lead, or other pipe or pipes ſo affixed, and reaching as aforeſaid, for the ſpace of one month or more; then, and in every ſuch caſe the owner of every ſuch houſe or other building ſhall forfeit the further ſum of ten pounds, and ſo *toties quoties* for every month after ſuch firſt conviction, during which the water ſhall be conveyed otherwiſe than

10 l. penalty each month after conviction, if pipes be not affixed, &c.

than as aforeſaid; every ſuch forfeiture to be recovered and applied in ſuch manner as the ſeveral forfeitures and penalties of ten pounds are herein-before directed to be recovered, levied, and applied.

For preventing the diſtilling of turpentine above ten gallons at one time, under 100l. penalty.

XXIII. *And whereas the diſtilling of turpentine, and the drawing off the oil of turpentine and roſin by diſtilling of turpentine, and the boiling of the ſaid oil and turpentine together, for making of varniſh, within the limits aforeſaid, may prove of dangerous conſequence to the neighbourhood where every ſuch practice ſhall be uſed:* for preventing thereof for the future, be it enacted by the authority aforeſaid, That from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, it ſhall not be lawful for any perſon or perſons to diſtil or boil any turpentine, or to draw any oil of turpentine and roſin by diſtilling of turpentine, or to boil any oil and turpentine together, above the quantity of ten gallons at one time of all or any the ſaid commodities within the limits aforeſaid, in any workhouſe or place contiguous to any other building, or in any place nearer to any other building than the diſtance of fifty feet at the leaſt, upon pain that every perſon offending therein ſhall for every ſuch offence forfeit and pay the ſum of one hundred pounds; every of which forfeitures ſhall and may be recovered, with treble coſts of ſuit, by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed; one moiety whereof ſhall be to the uſe of the poor of the pariſh, precinct, or place wherein the offence was committed, and the other moiety thereof to ſuch perſon or perſons as ſhall inform or ſue for the ſame.

Shipwrights, &c. not to be included.

XXIV. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to prevent ſhipwrights, barge-builders, boat-builders, or maſt-makers, or other perſons employed in building or repairing ſhips, barges, boats, or other veſſels, near the river *Thames*, from boiling or mixing oil and other materials for the purpoſe of paying ſhips, barges, boats, or maſts.

Fire engines to be kept in public places.

XXV. *And whereas the having a ſufficient number of fire engines kept in known publick places, and at convenient diſtances from each other, and ready to be brought forth as occaſion may require, and the ſupplying ſuch engines with plenty of water, and the giving encouragement to engineers and others to bring forth, uſe, and work ſuch engines, may tend greatly to leſſen the miſchiefs happening by fire*; be it enacted by the authority aforeſaid, That from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to and for the churchwardens of each and every pariſh, and to and for the overſeers of the poor of every precinct and place not having any churchwarden within the limits aforeſaid, and they are hereby reſpectively required, from time to time, for ever, to make, place, and fix, at the charge of ſuch reſpective pariſh, precinct, or place, upon the mains and pipes belonging to any water-work what-

whatſoever within the limits aforeſaid, ſuch and ſo many ſtop-blocks of wood, with a wood plug, or ſuch and ſo many fire-cocks to go into each main or pipe, and to be placed at ſuch diſtances in each and every ſtreet or place where ſuch churchwardens or overſeers of the poor reſpectively for the time being ſhall direct; and that the top of every ſuch ſtop-block or turn-cock ſhall be even with the pavement of each ſtreet or place, to the intent ſuch plugs or fire-cocks may, upon occaſion of any fire, be opened to let out the water without loſs of time in digging down to the pipes: and that all and every or any ſuch churchwardens or overſeers of the poor reſpectively ſhall have power, and are hereby required from time to time, to fix any mark or writing on the front of any houſe or houſes over againſt or neareſt to the place where ſuch ſtop block, plug, or fire-cock, doth or ſhall lie, or is or ſhall be placed, for the better making known where ſuch ſtop-blocks, plugs, or fire-cocks lie; and ſhall alſo keep an inſtrument or key in every ſuch houſe, where every ſuch mark ſhall be, to open the ſtop block, plug, or fire-cock; and ſhall keep in ſuch houſe a pipe for the water to come thereout, to be made uſe of as occaſion ſhall require; and all and every ſuch ſtop-blocks and fire-cocks to be kept in repair at the charge of each pariſh, precinct, or place where the ſame ſhall be placed, and ſuch plugs to be kept in repair by the owners of the mains and pipes where the ſame ſhall be fixed: and whenever the owners of any water-works ſhall afterwards remove, change, or alter the ſaid mains or pipes; then, and in every ſuch caſe, the owner or owners of every ſuch main or pipe ſhall, at his or their own proper coſts and charges, place and fix the ſame, or the like ſtop-blocks, plugs, and fire-cocks, upon every ſuch new main or pipe, to be placed where the churchwardens of the pariſh, or overſeers of the precinct or place, not having a church-warden for the time being, ſhall direct and appoint; and in every ſuch caſe the inſtrument or key and pipe ſhall be removed to the houſe oppoſite or neareſt to the place to which ſuch ſtop-block, plug, and fire-cock ſhall be removed, and every ſuch churchwarden or overſeer reſpectively ſhall cauſe a like mark or writing to be fixed againſt every ſuch houſe.

Churchwardens to fix marks in writing near the place where fire-cocks lie. An inſtrument or key to be kept.

Engines to be kept by every pariſh.

XXVI. And be it further enacted by the authority aforeſaid, That each and every pariſh within the limits aforeſaid ſhall, from time to time, and at all times hereafter, have and keep in good order and repair, in ſome known and publick place within each pariſh, a large engine, and alſo an hand engine, to throw up water for the extinguiſhing of fires; and alſo ſhall provide, keep, and maintain one leather pipe at leaſt, with a ſocket of the ſame ſize as the plug or fire-cock, and a ſtand-cock and ſuction-pipe, to the intent the ſocket may be put into the pipe, to convey the water clean, and without loſs or help of buckets, into the engine: and in default of making, placing, fixing, and continuing ſuch ſtop-blocks or fire-cocks, on the ſeveral mains and pipes, as alſo in default of having and keeping in good repair ſuch large engine,

Churchwardens to pay 10l. for default;

engine, hand engine, and leather pipe or pipes, ſocket, and ſtand-cock and ſuction-pipe, every churchwarden of ſuch pariſh, and every overſeer of any ſuch precinct or place not having a churchwarden, making default in the premiſes, and being convicted thereof before two of his Majeſty's juſtices of the peace for the ſaid city of *London*, or for the county of *Middleſex* or *Surrey*, or liberty where the ſame may happen, (as the caſe ſhall be), ſhall forfeit and pay the ſum of ten pounds; one moiety thereof to the informer, and the other moiety thereof to ſome other proper officer, not ſo convicted, of the pariſh, precinct, or place where ſuch default ſhall be made, for the uſe of the poor of ſuch pariſh, precinct, or place, in aid of the rates for relief of the poor, and to be accounted for with, and as part of ſuch rates; to be levied and recovered by diſtreſs and ſale of the goods and chattels of ſuch churchwarden and overſeers reſpectively.

to be levied by diſtreſs.

XXVII. And be it further enacted by the authority aforeſaid, That the turncock belonging to the water-work, whoſe water ſhall be found on, or ſhall firſt come into the main or pipe where any plug ſhall be opened, at any fire within the limits aforeſaid, ſhall be paid ten ſhillings by the churchwarden or overſeer of the poor of every ſuch reſpective pariſh, precinct, or place where ſuch fire may happen; and that the engine-keeper which firſt brings a pariſh engine, or other large engine, to help to extinguiſh any fire happening within the limits aforeſaid, if in good order and complete, with a ſocket, hoſe, leather pipe, ſtand-cock, and ſuction-pipe, ſhall be paid thirty ſhillings; the keeper of the ſecond pariſh engine, or other large engine, which ſhall be next brought in ſuch order, and ſo complete, to help to extinguiſh any ſuch fire, ſhall be paid twenty ſhillings; and the keeper of any pariſh engine, or other large engine, which ſhall be the third of ſuch engines brought in ſuch order, and ſo complete, to any ſuch fire, ſhall be paid ten ſhillings; every ſuch payment to be made by the churchwardens of each pariſh, or by the overſeers of the poor of every ſuch precinct or place, not having any churchwarden (as the caſe ſhall be) where any ſuch fire ſhall happen: and in default of payment thereof, ſuch reward ſhall be levied and recovered from the ſaid churchwardens and overſeers reſpectively, by diſtreſs and ſale of the goods and chattels of every ſuch churchwarden and overſeer, in the ſame or like manner as the penalty or forfeiture of ten pounds is herein before directed to be levied and recovered.

Turncock to have 10s. who'e water ſhall firſt come into a main pipe at a fire.

Firſt engine-keeper 30s.

Second engine-keeper 20s.

and the third engine-keeper 10s. to be recovered by diſtreſs and ſale.

XXVIII. Provided always, and it is hereby further enacted by the authority aforeſaid, That no ſuch reward ſhall be paid to any turncock or engine-keeper by the churchwarden of any pariſh, or overſeer of the poor of any precinct or place aforeſaid, where any fire ſhall happen, without the approbation and direction of the alderman of the ward, wherein ſuch pariſh, precinct, or place is ſituate, or his deputy, or two of the common councilmen of the ſame ward for the time being, if ſuch fire ſhall happen within the city of *London* or the liberties thereof, or without the approbation and conſent of one or more juſtice or juſtices of

No reward to be paid to any turncock or engine-keeper without the approbation of an alderman, &c.

the peace, in and for the ſaid county of *Middleſex*, or county of *Surrey*, or liberty where the ſame may happen (as the caſe ſhall be), reſiding within ſuch pariſh, precinct, or place where ſuch fire ſhall happen; and if there ſhall not be any juſtice or juſtices of the peace reſiding in ſuch pariſh, precinct, or place, then of ſuch juſtice or juſtices of the peace reſiding in the pariſh or place near or next adjoining.

After June 24, 1772, rewards payable for fire in a chimney to be defrayed by inhabitants and occupiers.

XXIX. *And whereas many of the pariſhes within the limits aforeſaid have been frequently put to conſiderable expences, occaſioned by the neglect of the inhabitants, as well lodgers and inmates, as houſekeepers, in not cauſing their chimnies to be duly ſwept, by means whereof alarms af fire are frequently made, to the great terror and danger of his Majeſty's ſubjects, which might and ought, and probably would be prevented if ſuch inhabitants were obliged to defray and bear the charges and expences attending ſuch their neglects, or ſome reaſonable part thereof:* be it therefore enacted by the authority aforeſaid, That from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, in all caſes where any reward or rewards, or other recompence by this act made payable, ſhall be borne and paid by any churchwarden or overſeer of the poor, for or on account of any fire being in a chimney only, or firſt beginning in, and occaſioned by the taking fire of any chimney only, the inhabitant or inhabitants, occupier or occupiers, of any room or apartment to which any ſuch chimney ſhall belong, being a lodger or inmate to or with any tenant, renter, or holder of any houſe or building of which ſuch room or apartment ſhall be part; or if ſuch chimney ſhall not belong to any ſuch lodger or inmate, then the tenant, renter, holder, or occupier of the houſe or building wherein any ſuch fire as laſt-mentioned ſhall be, or ſhall firſt begin, ſhall reimburſe and repay to the churchwarden or overſeer of the poor all and every ſuch reward and rewards, or other payments, which ſhall have been by him or them made, purſuant to the directions of this act, or ſuch part thereof as the mayor or other juſtice of the peace of the city of *London*, or juſtice of the peace for the liberty of his Majeſty's tower of *London*, or juſtice of the peace for the county of *Middleſex* or county of *Surrey*, or for the city and liberty of *Weſtminſter*, (as the caſe ſhall be), upon the application and complaint of any ſuch churchwarden or overſeer of the poor, and hearing the party or parties complained againſt, ſhall, under his hand and ſeal, think fit to award and direct: and to the end the ſaid mayor or other juſtice aforeſaid may be the better enabled to award and direct what may in any ſuch caſe be juſt and reaſonable, the ſaid mayor for the time being, and every ſuch juſtice ſhall and may, and is hereby authoriſed and impowered to ſummon and call before him, after any ſuch complaint made, the party and parties complained againſt, and all perſons fit and proper to give evidence touching the premiſes, of whom he ſhall have notice or information; and to examine them and every of them upon oath, (which oath the ſaid mayor, and every ſuch juſtice, is hereby impowered and required to adminiſter

niſter without fee or reward); and if the party or parties complained againſt, being ſummoned, ſhall not appear, the ſaid mayor, and every ſuch juſtice of the peace, ſhall and may proceed to hear and examine the matter of the complaint, and ſuch evidence as ſhall be produced, and to make ſuch award and direction thereupon as ſhall be juſt, and as if the party or parties making ſuch default of appearance had been preſent, and heard in his, her, or their defence; and if any ſum or ſums of money ſo awarded and directed to be reimburſed or repaid to any ſuch churchwarden or overſeer of the poor, ſhall not be ſo reimburſed or repaid within fourteen days after demand thereof made, it ſhall and may be lawful to and for every or any ſuch churchwarden or overſeer, by warrant under the hand and ſeal of ſuch mayor or other juſtice, (which warrant the ſaid mayor and every ſuch juſtice is hereby authoriſed and impowered to make) to levy every ſuch reward and rewards, or other recompence which ſhall have been ſo paid, or ſuch part thereof as ſhall have been ſo awarded and directed, by diſtreſs and ſale of the goods and chattels of the party or parties making default of payment, or of any of his, her, or their goods or chattels found in the room or apartment to which ſuch chimney belongs where ſuch fire was, or firſt began, or in any other part of any houſe or building, whereof ſuch room or apartment was or ſhall be part; any thing in this act contained to the contrary thereof in any-wiſe notwithſtanding.

United pariſhes deemed as one pariſh.

XXX. *And foraſmuch as ſeveral of the pariſhes within the city of* London *were, after the great fire, which happened in the year of our Lord Chriſt, one thouſand ſix hundred and ſixty-ſix, united together*; be it enacted by the authority aforeſaid, That any two or more of the ſaid pariſhes ſo united are intended to be, and ſhall, for the purpoſes in this act mentioned, be eſteemed and taken as one pariſh only.

Veſtries having more than one large engine to be under the ſame regulations as thoſe provided by this act.

XXXI. Provided nevertheleſs, and it is further enacted, That in caſe the veſtries of any of the ſaid united pariſhes, or of any other pariſh within the limits aforeſaid, ſhall at any time conceive it neceſſary for the ſaid pariſh, in reſpect of the largeneſs thereof, to have more than one great engine or hand engine; it ſhall and may be lawful for them to provide two or more great engines or hand engines at the pariſh charge, and that the ſame engines, and every of them, ſhall be under the like regulations and encouragements, as the other engine or engines directed to be provided by this act are under.

Fire engines, &c. to be provided and paid for out of the poors rates.

XXXII. *And, in order to raiſe money to defray the neceſſary charges of providing and maintaining ſuch engine, ſtop-blocks, and fire-cocks, and keys, and other implements and materials, and payment of the rewards or gratuities directed by this act*, be it further enacted by the authority aforeſaid, That the churchwardens, overſeers of the poor, and inhabitants, in veſtry, or other publick meeting duly aſſembled, of the ſeveral pariſhes, precincts, and places within the limits aforeſaid, ſhall and may, and they are hereby impowered, from time to time, (as often as there ſhall be occaſion),

ſion), by any rate or rates to be made for relief of the poor of every ſuch pariſh, precinct, and place reſpectively, over and above what they ſhall judge competent and ſufficient for the relief and maintenance of ſuch poor, or by any eſpecial rate or rates to be made for the purpoſes of this act, to rate and aſſeſs ſuch competent ſum and ſums of money as ſhall be needful and requiſite for the ends aforeſaid, in like manner as by law they may do for the maintenance and relief of the poor of their reſpective pariſhes, precincts, and places; which rates, being allowed and confirmed in the like manner as the rates made for the relief of the poor are or ought to be, ſhall be collected and recovered, in the ſame manner as the rates made for the relief of the poor by law now may or ought to be collected and recovered, ſubject to the like appeal as in caſes of rates made for the relief of the poor: and the ſaid officers ſhall be accountable for the ſame, in like manner as by law they are accountable for the money by them collected for the relief of the poor, and ſhall be ſubject and liable to the ſame or like pains and commitments for not accounting for the ſame, or not paying monies by them collected, and remaining in their hands, as overſeers of the poor are, by the ſtatute of the forty-third year of the reign of Queen *Elizabeth*, made ſubject and liable to, for not accounting for or not paying monies collected by virtue of any rates for relief of the poor.

Watermen retained by inſuring offices to extinguiſh fires, not to be impreſſed into the ſea or land ſervice.

XXXIII. *And whereas the ſeveral offices for inſuring houſes againſt loſs by fire retain in their ſeveral ſervices, and give coats and badges, and other rewards, unto watermen, for their ſervice and aſſiſtance in and towards extinguiſhing of fire, and who are to be always ready when wanted, and are provided with various ſorts of poles, hooks, hatchets, and ſeveral other inſtruments and things, at the charge of the ſaid reſpective inſurance offices, for the extinguiſhing of fire; which watermen ſo retained are and have been by experience found to venture much further, and to have ſkill to give, and do give at fires, happening within the limits aforeſaid, greater help than other perſons not uſed to come into danger*; be it further enacted by the authority aforeſaid, That the watermen ſo retained, and wearing ſuch coats and badges for the time being, belonging to every ſuch inſurance office within the limits aforeſaid, not exceeding thirty for each office, ſhall be free from being impreſſed or liable to be compelled to go to ſea, or ſerve as marines or as ſoldiers on land, their names and places of abode being regiſtered and entered with the ſecretary or other officer of the admiralty office.

Money inſured on houſes burnt down, how to be applied.

XXXIV. *And in order to deter and hinder ill-minded perſons from wilfully ſetting their houſe or houſes or other buildings on fire, with a view of gaining to themſelves the inſurance-money, whereby the lives and fortunes of many families may be loſt or endangered*; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the reſpective governors or directors of the ſeveral inſurance offices within the limits aforeſaid, for inſuring houſes or other buildings againſt loſs by fire, and they are hereby authoriſed and required, upon the application and requeſt of any

any perſon or perſons intereſted in or intitled unto any houſe or houſes, or other buildings within the limits by this act preſcribed, which hereafter ſhall or may be burnt down, demoliſhed, or damaged by fire, or upon any grounds of ſuſpicion that the owner or owners, occupier or occupiers, or other perſon or perſons, who ſhall have inſured ſuch houſe or houſes, or other buildings, have been guilty of fraud, or of wilful ſetting their houſe or houſes or other buildings on fire, to cauſe the inſurance-money to be laid out and expended, as far as the ſame will go, towards rebuilding, reinſtating, or repairing ſuch houſe or houſes or other buildings ſo burnt down, demoliſhed, or damaged by fire, unleſs the party or parties claiming ſuch inſurance-money ſhall, within ſixty days next after his, her, or their claim ſhall be adjuſted, give a ſufficient ſecurity to the governors or directors of the inſurance office where ſuch houſe or houſes, or other buildings are inſured, that the ſame inſurance-money ſhall be laid out and expended as aforeſaid, or unleſs the ſaid inſurance-money ſhall be in that time ſettled and diſpoſed of to and amongſt all the contending parties, to the ſatisfaction and approbation of ſuch governors or directors of ſuch inſurance office reſpectively.

Negligence in ſervants reſpecting fires puniſhable by fine of 100l. or impriſonment.

XXXV. *And whereas fires often happen by the negligence and careleſſneſs of ſervants*, be it therefore enacted by the authority aforeſaid, That if any menial or other ſervant or ſervants, through negligence or careleſſneſs, ſhall fire, or cauſe to be fired, any dwelling-houſe, or out-houſe or houſes, or other buildings, ſituate within the limits aforeſaid, ſuch ſervant or ſervants, being thereof convicted by the oath of one or more credible witneſs, or witneſſes made before two or more of his Majeſty's juſtices of the peace, ſhall forfeit and pay the ſum of one hundred pounds unto the churchwardens or overſeers of ſuch pariſh where ſuch fire ſhall happen, to be diſtributed amongſt the ſufferers by ſuch fire in ſuch proportions as to the ſaid churchwardens ſhall ſeem juſt: and in caſe of default or refuſal to pay the ſame immediately after ſuch conviction, the ſame being lawfully demanded by the ſaid churchwardens; that then, and in ſuch caſe, ſuch ſervant or ſervants ſhall, by warrant under the hands and ſeals of two or more of his Majeſty's juſtices of the peace, be committed to the common gaol or houſe of correction, as the ſaid juſtices ſhall think fit, for the ſpace of eighteen months, there to be kept to hard labour.

Conſtables and beadles on notice, to repair to places on fire, and what they are to do.

XXXVI. And be it further enacted by the authority aforeſaid, That upon the breaking out of any fire, within the limits aforeſaid, all conſtables and beadles, upon notice thereof, ſhall immediately repair to the place where the ſaid fire ſhall happen, with their ſtaves and other badges of their authority, and be aiding and aſſiſting, as well in extinguiſhing the ſaid fires, and cauſing people to work at the engines, as alſo in preventing goods being ſtolen, and ſhall ſeize and apprehend all ill-diſpoſed perſons that they ſhall find ſtealing or pilfering from the inhabitants; as alſo that the ſaid conſtables and beadles ſhall give their utmoſt

utmoſt aſſiſtance to help the inhabitants to remove their ſaid goods.

No action to lay againſt a perſon where the fire accidentally begins.

XXXVII. And be it further enacted by the authority aforeſaid, That no action, ſuit, or proceſs whatever, ſhall be had, maintained, or proſecuted againſt any perſon in whoſe houſe or chamber any fire ſhall, from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſeventy-two, accidentally begin, nor ſhall any recompence be made by ſuch perſon for any damage ſuffered or occaſioned thereby; any law, uſage, or cuſtom to the contrary notwithſtanding: and in ſuch caſe, if any action ſhall be brought, the defendant may plead the general iſſue, and give this act, and the ſpecial matter in evidence, at any trial thereof to be had; and in caſe the plaintiff ſhall become nonſuited, or diſcontinue his action or ſuit, or if a verdict ſhall paſs againſt him, the defendant ſhall recover treble coſts: provided that nothing in this act contained ſhall extend to defeat or make void any contract or agreement made between landlord and tenant.

Diſtreſs not unlawful for want of form, &c.

XXXVIII. And be it further enacted by the authority aforeſaid, That where any diſtreſs ſhall be made for any ſum or ſums of money to be recovered by virtue of this act, the diſtreſs itſelf ſhall not be deemed unlawful, nor the party or parties making the ſame be deemed a treſpaſſer or treſpaſſers, on account of any defect or want of form in any proceedings relating thereto; nor ſhall the party or parties be deemed a treſpaſſer or treſpaſſers *ab initio*, on account of any irregularity which ſhall be afterwards done by the party or parties making ſuch diſtreſs; but the perſon or perſons aggrieved by ſuch irregularity may recover full ſatisfaction for the ſpecial damage by action on the caſe.

Plaintiff not to recover if tender of ſufficient amends be made, &c.

XXXIX. Provided always, and be it further enacted by the authority aforeſaid, That no plaintiff or plaintiffs ſhall recover in any action, or for any ſuch irregularity, treſpaſs, or other proceedings, if tender of ſufficient amends ſhall be made by or on the behalf of the party or parties who ſhall have committed, or cauſed to be committed, every or any ſuch irregularity, treſpaſs, or wrongful proceeding before ſuch action brought; and in caſe no ſuch tender ſhall have been made, it ſhall and may be lawful for the defendant or defendants, in any ſuch action, by leave of the court where ſuch action ſhall depend, at any time before iſſue joined, to pay into the court ſuch ſum of money as he or they ſhall ſee fit; whereupon ſuch proceedings or order and judgment ſhall be had, made, or given, in and by ſuch court, as in other actions when the defendant is allowed to pay money into court.

Acts 4 & 6 Geo 3. for regulating buildings, &c.

XL. *And whereas by two ſeveral acts of parliament, the one made in the fourth, and the other in the ſixth year of his preſent Majeſty's reign, for the better regulating buildings, and preventing miſchiefs happening by fire, a penalty of fifty pounds is inflicted upon the head builder, maſter bricklayer, or workmen, who ſhould neglect to build every houſe thereafter to be built according to the directions of the ſaid acts: and whereas, ſince the paſſing of the ſaid acts, there has been a very*

very great increaſe of buildings within the limits aforeſaid, and many of the houſes ſo built are not in every reſpect built according to the directions of the ſaid recited acts, whereby the ſeveral owners and head builders thereof have incurred the ſaid penalties, and ſeveral perſons are informed againſt, and are now under proſecution for the ſame: and whereas ſuch firſt owners, head builders, maſter bricklayers, or workmen of ſuch houſes are willing and deſirous to make the ſame comformable to this act; be it therefore enacted by the authority aforeſaid, That if any action, bill, plaint, ſuit, or information, is and are now depending in any of his Majeſty's courts of record at *Weſtminſter*, or before any of his Majeſty's juſtices of the peace, againſt any ſuch owner, head builder, maſter bricklayer, or workmen, for not having built ſuch houſe conformable to the directions of the ſaid acts, it ſhall and may be lawful for the court where the ſame ſhall be reſpectively brought, and ſuch court is hereby required, authoriſed, and impowered, on the application of ſuch defendant or defendants, to make a rule for the plaintiff or informer in ſuch action, bill, plaint, ſuit, or information to ſet forth the particular defect or irregularity complained of in the building ſuch houſe or houſes; and if ſuch defendant or defendants ſhall thereupon enter into an agreement for making good the irregularities and defects ſo complained of, and rendering the building of ſuch houſes conformable to the direction of this act, within a certain time to be ſpecified in ſuch agreement, and ſhall be deſirous that ſuch agreement ſhould be made a rule of any of his Majeſty's courts of record, that then ſuch agreement being ſo made, ſhall and may, upon producing an affidavit of the execution thereof by the witneſſes thereunto, or any of them, in the court of which the ſame is agreed to be made a rule, and reading and filing the ſaid affidavit in court, be entered of record in ſuch court, and a rule ſhall thereupon be made by ſuch court, that ſuch defendant or defendants ſhall, within a certain time to be limited and ſpecified in ſuch rule, make good the defects and irregularities complained of, and render the building of ſuch houſe or houſes conformable to the direction of this act; and that ſuch defendant or defendants ſhall moreover pay ſuch coſts as the ſaid court ſhall direct and award: and alſo it ſhall and may be lawful to and for ſuch juſtice or juſtices of the peace before whom any information or informations as aforeſaid is or are now depending, and ſuch juſtice and juſtices of the peace are hereby required, authoriſed, and impowered, on the application of any firſt owner, head builder, maſter bricklayer, or workmen, againſt whom ſuch information or informations ſhall be given and laid, to accept and receive ſuch agreement to make good the defects and irregularities complained of, and to render the buildings of ſuch houſes conformable to the directions of this act.

are hereby rendered conformable to this act.

XLI. And be it further enacted, That in every ſuch caſe it ſhall and may be lawful for, and ſuch court and juſtices of the peace is and are hereby required, authoriſed, and impowered, on ſuch firſt owner, head builder, maſter brick.ayer, or workmen,

Juſtices to indemnify all perſons for penalties incurred by former acts.

men, making appear to them respectively that the defects irregularities complained of are made good, and the buildin such house or houses rendered conformable to the direction this act, according to his or their agreement entered into that purpose, to indemnify, free, and discharge every such fendant and defendants of, from, and against all penalties forfeitures incurred, or to be incurred, for or by reason of having originally built such party walls pursuant to the directi of the said acts, or for or by reason of any other defect or i gularity, whereby such houses are otherwise built than purs to such directions; any thing in the said acts contained to contrary notwithstanding.

Proviso. XLII. Provided always, That this act, or any thing he contained, shall not extend, or be construed to exend, to demnify any person against whom final judgement shall h been given in any action of debt, bill, plaint, or informati in any of his Majesty's courts of record, for any penalty inc red, by having neglected to make such party walls, or in other respect to build such houses pursuant to the direction the said acts of the fourth and sixth years of his present Majes

For allowing an appeal. XLIII. And be it further enacted by the authority aforesa That if any person or persons shall think him, her, or the selves aggrieved by any conviction, commitment, distress, der, or judgement of any justice or justices of the peace mad virtue of this act, such person or persons shall and may ap to the justices of the peace at their next general quarter sessi of the peace to be holden in and for the city of *London* and lib ties thereof, the counties of *Middlesex* and *Surrey*, the city liberty of *Westminster*, or the liberties of his Majesty's *Towe London*, (as the case shall be), which shall be holden next a such conviction, commitment, distress, order, or judgeme who shall proceed to hear and determine the causes and mat of such appeal upon oath, (which oath or oaths they are her impowered to administer), and award such costs to the par appealing or appealed against as they shall think proper; the order, judgement, aud determination, of the said justices, their said respective session, shall be binding, final, and conc sive to all parties, without any appeal from the same.

Proviso. XLIV. Provided always, and be it further enacted by the thority aforesaid, That the person or persons so intending to peal, shall, immediately after such conviction, commitment, stress, order, or judgement, if he shall be required so to do, within two days at the farthest, enter into a recognizance bef such justice or justices of the peace, with two sufficient sure conditioned to try such appeal, and to abide the order of, pay such costs as shall be awarded by the said sessions resp tively.

Limitation of actions. XLV. And be it further enacted by the authority aforesa That no action or suit shall be commenced against any perso persons for any thing done in pursuance of this act, until tw ty-one days after notice in writing of any intention to bring s act

on or ſuit ſhall be given to the perſon or perſons againſt om ſuch action or ſuit ſhall be brought or commenced, nor er the expiration of three calendar months next after the fact nmitted; and every ſuch action or ſuit, the cauſe or occaſion ereof ſhall ariſe within the ſaid city of *London*, or the liberties reof, ſhall be laid and tried in the ſaid city of *London*, and not ſwhere; and every ſuch action or ſuit, the cauſe or occaſion ereof ſhall ariſe in any part of the limits aforeſaid, out of the d city of *London*, and liberties thereof, ſhall be laid and tried the county of *Middleſex*, and not elſewhere; and the defen- nt or defendants, in every ſuch action or ſuit, may plead the neral iſſue, and give this act, and the ſpecial matter, in evi- nce, at any trial or trials which ſhall be had thereupon, and t the matter or thing for, or on which ſuch action or ſuit ſhall brought, was done in purſuance and by the authority of this : and if the ſaid matter or thing ſhall appear to have been ſo ne, or if it ſhall appear that ſuch action or ſuit was brought ore the expiration of twenty-one days notice to be given as reſaid, or that ſufficient ſatisfaction was made or tendered as reſaid, or if any ſuch action or ſuit ſhall not be commenced hin the time herein for that purpoſe limited, or ſhall be laid any other county or place than as aforeſaid, then the jury, in every ſuch action or ſuit, ſhall find for the defendant or de- dants therein; and if a verdict ſhall be found for the defen- nt or defendants, or if the plaintiff or plaintiffs, in any ſuch ion or ſuit, ſhall become nonſuited, or ſhall diſcontinue or fer a diſcontinuance of any ſuch action or ſuit; or if, upon demurrer or demurrers, in any ſuch action or ſuit, judge- nt ſhall be given for the defendant or defendants therein; then, d in either of the caſes aforeſaid, the defendant or defendants, ll have treble coſts, and ſhall have ſuch remedy for recover- the ſame, as any defendant or defendants may have for his, r, or their coſts, in other caſes by law. **General iſſue.** **Treble coſts.**

XLVI. And be it further enacted by the authority aforeſaid, hat ſo much of an act made in the nineteenth year of the reign his late Majeſty King *Charles* the Second, (intituled, *An act rebuilding the city of* London), as relates to regulating build- gs and party walls; and an act made in the ſixth year of the gn of her late Majeſty Queen *Anne*, (intituled, *An act for the ter preventing miſchiefs that may happen by fire*); alſo an act ade in the ſeventh year of the reign of her ſaid late Majeſty, ntituled, *An act for making more effectual an act made in the ſixth r of her Majeſty's reign, for the better preventing of miſchiefs that y happen by fire*); alſo ſo much of an act made in the eleventh ar of the reign of his late Majeſty King *George* the Firſt, inti- ped, *An act for the better regulating of buildings, and to prevent ſchiefs that may happen by fire, within the weekly bills of mortali- ſa and other places therein mentioned*), as relates to regulating ildings and party walls; alſo ſo much of an act made in the rty-third year of the reign of his late Majeſty King *George* the cond, (intituled, *An act for widening certain ſtreets, lanes, and* **Former acts ſo far as reſpect party walls, regulating of buildings, preventing miſchiefs by fire, &c. repealed.**

paſſages,

paſſages, within the city of London, *and liberties thereof, and opening certain new ſtreets and ways within the ſame, and for ot purpoſes therein mentioned)*, as relates to the regulating of bui ings, and party walls, and preventing miſchiefs that may h pen by fire; alſo ſo much of an act made in the fourth year the reign of his preſent Majeſty, intituled, *An act for the be regulating of buildings, and to prevent miſchiefs that may happe fire, within the weekly bills of mortality, and other places the mentioned)*, as relates to the regulating of buildings and pa walls, and preventing miſchiefs happening by fire; alſo ſo m of an act made in the ſixth year of his preſent Majeſty's rei (intituled, *An act to explain, amend, and render more effectual powers of an act made in the thirty-third year of the reign of his Majeſty, intituled*, An act for widening certain ſtreets, lanes, paſſages within the city of *London*, and liberties thereof, and opening certain new ſtreets and ways within the ſame, and other purpoſes therein mentioned), as relates to the regulat of buildings and party walls; alſo of another act made in ſaid ſixth year of his preſent Majeſty's reign, (intituled, *An to explain, amend, and render more effectual an act made in the fo year of his preſent Majeſty's reign, for the better regulating of b ings, and to prevent miſchiefs that may happen by fire, within weekly bills of mortality, and other places therein mentioned*), as lates to the regulating of buildings and party walls, and prev ing miſchiefs that may happen by fire, ſhall be, and the ſ are hereby repealed.

Publick act. XLVII. And be it further enacted by the authority aforeſ That this act ſhall be deemed and taken to be a publick and ſhall be judicially taken notice of as ſuch by all judges, ſtices, and other perſons whomſoever, without ſpecially pl ing the ſame.

CAP. LXXIV.

An act to continue and enlarge the term and powers of an act, in the twenty-ſixth year of the reign of King George *the Se for repairing and widening the roads leading from* Lobcombe ner, *in the pariſh of* Winterſlow, *to* Harnham Bridge, *i county of* Wilts; *and from the weſt corner of* Saint Anne's St *in the city of* New Sarum, *to the pariſhes of* Landford *and* Br *and from thence to* Ealing; *and from* Landford *aforeſaid, thr* Ower *and* Teſtwood, *to* Ealing *aforeſaid, in the county of* So ampton; *and for repairing and widening the road from the* R ſey *and* Ringwood *turnpike road, near the houſe of* Francis *to* Lindhurſt; *and from a place called* Hampton Ford, *to* La Corner, *in the ſaid county of* Southampton; *and for repa the footways within the ſaid city.*

CAP. LXXV.

An act for making a navigable cut or canal from the river within the liberties of the city of Cheſter, *to or near* Middle *and* Nantwich, *in the county of* Cheſter.

C

CAP. LXXVI.

ct for enlarging the term and powers of an act for repairing and idening the road from the city of Norwich *to* Scole-bridge, *in e county of* Norfolk.

CAP. LXXVII.

ct to amend an act of the sixth year of the reign of his present Majesty, "for repairing and widening the stone bridge, in the town of Shrewsbury;" *and for appropriating part of the tolls collected pon certain roads leading to the said bridge towards finishing the e same; and for granting additional terms to the several acts for epairing the said roads.*

CAP. LXXVIII.

act for repairing and widening several roads from Aldermaston, *the county of* Berks, *to* Basingstoke, *and from* Aldermaston *foresaid to the turnpike road from* Basingstoke *to* Andover, *at or ear* Worting, *and to the turnpike road leading to* Winchester *at* opham Lane, *in the county of* Southampton.

CAP. LXXIX.

act for the more effectual assessing and collecting of the rates for elief of the poor in the parish of Saint Botolph, Bishopsgate, *in he liberties of the city of* London.

CAP. LXXX.

act for continuing the term, and altering and enlarging the powrs of an act, made in the tenth year of his present Majesty, for epairing and widening the roads from the borough of Bury Saint dmunds *to the town of* Newmarket, *in the counties of* Suffolk *nd* Cambridge; *and from the south end of the* Ferry-Street, *in* randon, *to* Bury Saint Edmunds, *in the said county of* Suffolk.

CAP. LXXXI.

act to explain and amend an act, made in the twenty-third year of he reign of his late majesty King George *the Second, for improvg the navigation of the river* Loyne, *otherwise called* Lune, *and r building a quay or wharf near the town of* Lancaster, *in the unty palatine of* Lancaster.

CAP. LXXXII.

act for repairing and widening several roads leading through the unty of Lanerk, *and for building a bridge over the river* Clyde, *a or near a place called the* Howford, *in the said county.*

CAP. LXXXIII.

t to continue and render more effectual an act passed in the twen--sixth year of the reign of his late Majesty, for repairing the road om the North Queen's Ferry, *through the towns of* Inverkeithg *and* Kinross, *to the town of* Perth; *and also the road from the said*

ſaid Queen's Ferry *to the towns of* Dumfermline, Torrybu
and Culroſs; *and alſo the road from the ſaid* Queen's Fe
through Inverkeithing, *to* Bruntiſland *and* Kirkcaldie.

CAP. LXXXIV.

An act to continue and render more effectual ſeveral acts for repai
the roads from the pariſh of Enfield, *in the county of* Middle
to the town of Hertford, *and other roads in the ſaid acts men*
ed; and alſo for repairing the road from the end of the tow
Hertford *to* Amwell End, *near* Ware, *in the ſaid coun*
Hertford.

CAP. LXXXV.

An act for repairing and widening the road from the end of the
ſent turnpike road from Beſſelſleigh *to* Hungerford, *in the c*
of Berks, *to* Leckford, *otherwiſe* Souſley Water, *in the coun*
Wilts.

CAP. LXXXVI.

An act for enlarging the term and powers of an act, paſſed in th
cond year of his preſent Majeſty's reign, for repairing, widen
and altering ſeveral roads leading from Taviſtock *to* Plymo
and other places in the county of Devon; *and for repairing*
widening, the road from the guildhall in Taviſtock *afore*
through Matthew-ſtreet *and* Lower Brook-ſtreet, *to* Che
brook, *and to* Dunnabridge Pound, *and from the* Callin
turnpike road to Morwellham *and* New Quay, *in the ſaid co*

CAP. LXXXVII.

An act for building a bridge croſs the river Ure, *from* Great Q
born *to* Aldwork, *in the county of* York.

CAP. LXXXVIII.

An act to continue and render more effectual two ſeveral acts fo
pairing the roads leading from the town of Mancheſter, *i*
county of Lancaſter, *through the town of* Aſhton under L
and pariſh of Mottram Longdendale, *and from thence to* Sa
Brook, *in the county palatine of* Cheſter.

CAP. LXXXIX.

An act to continue and render more effectual ſeveral acts for r
ing the highways between Dunſtable *and* Hockliffe, *in the*
of Bedford; *and from the ſign of* the White Horſe *to th*
of the King's Arms *in* Hockliffe *aforeſaid; and alſo for m*
proviſion for the more effectual repairing the road leading fr
ſign of the Waggon and Horſes *to* the Bull Inn *in* Dun
aforeſaid.

CAP. XC.

An act for repairing and widening the road from the weſt
Saint Ives Lane, *in the town of* Saint Neots, *in the co*
Huntingdon, *to the pavement at the end of* Bell Lane,
town of Cambridge.

C

CAP. XCI.

act for repairing and widening the road from the Warwick *road ear* Solihull, *to the guide poſt in* Kenilworth; *and from* Stone Bridge, *to meet the aforeſaid road on* Balſall Common, *in the ounty of* Warwick.

CAP. XCII.

act to continue, amend, and render more effectual, an act paſſed in he ſeventh year of the reign of his preſent Majeſty, for repairing he roads from Tunbridge Wells, *in the county of* Kent, *to* Swift's Den, *in the pariſh of* Etchingham, *and from* Frant *to* Poſſingworth Great Wood, *adjoining to the turnpike road there, eading to* Black Boys, *in the county of* Suſſex.

CAP. XCIII.

act for repairing and widening the road from the Exeter *turnpike* at Reedy Gate, *in the pariſh of* Dunsford, *in the county of* Devon, *to* Cherrybrook, *in the foreſt of* Dartmoore, *in the ſaid county.*

CAP. XCIV.

act for enlarging the term and powers of an act, made in the thirtieth year of the reign of his late Majeſty, for repairing and widening ſeveral roads leading to, through, and from the town of Frome, *in the county of* Somerſet; *and ſeveral other roads in the counties of* Somerſet *and* Wilts.

CAP. XCV.

act for repairing and amending the road from Beerſtreet Gates, *in the city of* Norwich, *to* New Buckenham, *in the county of* Norfolk.

CAP. XCVI.

act for repairing, widening, and keeping in repair the road from Burlton, *in the county of* Salop, *through* Knockin, *to* Llanymynech, *in the ſame county, and from* Knockin *to the eaſt end of the* Llanriader *road, and from* Place Carrick Lane *to the turnpike road from* Llanymynech *to* Oſweſtry *near* Coid Iſſa Mountain, *and from* Oſweſtry *turnpike road on* Knockin Heath, *to the eaſt end of* Knockin Lane.

CAP. XCVII.

act for repairing and widening the roads from the confines of the county of Berwick, *at or near* Banghouſe Walls *to* Compton's Lanes, *and* Eymouth, *and from the town of* Eccles *to* Eymouth, *and from* Whitelaw Muir *to* Compton's Lanes, *in the county of* Berwick.

CAP. XCVIII.

act for repairing and widening the road leading from the eaſt end of the bridge acroſs the river Ouze *in* Downham Market, *to the* Queen's Head; *and from the* Chequer Inn, *in* Downham Market *aforeſaid, to the eaſt end of the* Two Mile Cloſe, *in the pariſh of* Barton, *and towards* Watton, *to a place called* The Devil's

vil's Ditch, *in the county of* Norfolk; *and for ſtopping up the* leading *from* Stradſet, *through* Barton Layes, *towards* Wat

CAP. XCIX.

An act for enlarging the term and powers of two acts, made in twenty-ſixth and twenty-ninth years of the reign of his late jeſty *King* George *the Second, for repairing and widening* Street Road, *in the pariſhes of* Saint Luke *and* Saint Leon Shoreditch, *in the county of* Middleſex.

CAP. C.

An act for building a temporary bridge over the river Tyne, *bet the town of* Newcaſtle upon Tyne *and* Gateſhead, *in the co of* Durham.

CAP. CI.

An act to continue the term, and vary the powers, of ſo much act, made in the twenty-firſt year of the reign of his late Ma for repairing the road from Sutton Coldfield Common, *ſeveral other roads therein deſcribed, in the county of* Stafford *relates to the* Wolverhampton *diſtrict of roads.*

CAP. CII.

An act for repealing certain proviſions in two acts of parliamen far as the ſame relate to repairing the highways in the pari Saint Mary Matfelon, *otherwiſe* Whitechapel, *in the coun* Middleſex; *and for raiſing money for repairing the ſaid high*

CAP. CIII.

An act for the better preſervation of the great bank of the river land, *from* Spalding High Bridge, *through* Cowbit, Pe Crowland, *and* Peakirk, *and for making and keeping in rep road thereon, and from thence to the village of* Glenton, *in the ties of* Lincoln *and* Northampton.

CAP. CIV.

An act to explain and amend an act of the eleventh year of the re his preſent Majeſty, for amending and widening the road Beſſelſleigh, *through* Wantage, *to* Hungerford, *in the cou* Berks; *and from* Wantage *to* Marlborough, *in the cou* Wilts; *and from the turnpike road between* Reading *and* ingford, *through* Halfpenny Lane, *to* The Old Red Hou *on* Wantage Downs, *and from thence to* Lambourn, *in th county of* Berks.

CAP. CV.

An act for amending, widening, and altering the roads leading Crickhowel, *in the county of* Breckon, *to the* Croſs H *beyond* New Inn, *in the turnpike road between the city of* ford *and* Roſs, *and from a place called* The Lower Croſs *in the pariſh of* Saint Maughan's, *to the town of* Groſm *in the county of* Monmouth; *and from a ſmith's ſhop, at* ton, *in the pariſh of* Llanvihangell, *to* Chapel a Fine,

ne county; and from the turnpike road, in the parish of Welsh ewton, *in the county of* Hereford, *to* Ponttanast, *in the parish* Cluddock, *in the said county.*

CAP. CVI.

Et to continue the term, and alter and enlarge the powers of so uch of two acts, made in the twenty-sixth and twenty-seventh ars of King George *the Second, for repairing several roads lead- g into the city of* Glasgow, *as relates to that part of the road m the city of* Glasgow *to the town of* Dumbarton, *which leads ough the county to the town of* Dumbarton.

CAP. CVII.

Et for repairing and widening the road from the forty-eighth le-stone, in the parish of Cardington, *in the present turnpike id between* Hitchin *and* Bedford, *to* Great Barford Bridge; *d for continuing a road from thence to the great northern road ar* Temsford Bridge, *in the county of* Bedford.

CAP. CVIII.

Et for repairing and widening the roads from Sheet Bridge *to* rtsmouth, *and from* Petersfield *to the* Alton *turnpike road, near* opley, *in the county of* Southampton.

CAP. CIX.

Et for making and keeping in repair a road or passage for horses, the banks of the river Severn, *between* Bewdley Bridge *and a ace called* The Meadow Wharf, *at* Coalbrookdale, *for haling d drawing vessels along the said river; and for other purposes erein mentioned.*

CAP. CX.

Et for enlarging the terms and powers of two acts, made in the irteenth year of the reign of King George *the First, and the enty-first year of the reign of King* George *the Second, for re- iring the several roads leading from* Birmingham, *through the wn of* Wednesbury, *to a place called* High Bullen, *and to reat Bridge, and from thence to the end of* Gibbet Lane, *next joining to the township of* Bilson; *and from* Great Bridge, *rough* Dudley, *to* King Swinford; *and to the further end of* Kittel Lane, *in the counties of* Warwick, Stafford, *and* Wor- ester.